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THE

EDINBURGH REVIEW,

OR

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FOR

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ERRATA in some Copies of this Number.

Page 5, Note †, for P. 112, read Fol. 63. Ed. 1596.
—— 9, —— *, — 701 read 399.
—— —, —— ‖, — 736 read 419.
—— 11, Line 3, — '*rectam*,' read '*rectum*.'
—— 19, —— 4, — '*pacis*,' read '*paci*.'
—— —, —— 5, — '*unanimitas*,' read '*unanimiter*.'
—— 22, —— 2, — 'writs,' read 'aids.'
—— —, —— 5, — 'their tenures made them liable,' read, 'they were liable by their tenures.'
—— 28. —— 9, for '*clegi*,' read '*eligi*.'
—— 30. Note *, — 195. 6. 1. read 195. b. 1.
—— 31, Line 18, — 'Bushwara,' read 'Burhwara.'
—— —, —— —, — 'banghers.' read 'burghers.'
—— —, —— 22, — 'Bushwara,' read 'Burhwara.'
—— 37, —— 28. omit, 'the latter having become a dependent province of Wessex long before the termination of the Heptarchy.'
—— —, Notes ‡, and ¶, for 'Survey,' read 'Surrey.'

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ERRATUM.

p. 272, lines 29, 30, for "it is original," read "it is not original."

THE

EDINBURGH REVIEW,

MARCH, 1821.

№ LXIX.

ART. I. *Report from the Lords' Committees appointed to search the Journals of the House, Rolls of Parliament, and other Records and Documents, for all matters touching the Dignity of a Peer of the Realm, &c. &c.* Folio. pp. 448. (Ordered to be printed 25th May, 1820.)

In July 1814, a petition from Lewis Dymoke, lord of the manor of Scrivelsby, claiming the barony of Marmyon, as a feudal honour incident to the possession of the manor of Scrivelsby, was referred to the House of Lords. Evidence was heard before the Committee of Privileges in support of the allegations of this petition; but doubts having arisen with respect to the grounds of the claim, certain Lords' Committees were appointed, on the 3d of July 1815, 'to search the Journals of 'the House, the rolls of Parliament, and other records and 'documents, for all matters touching the dignity of a Peer of 'the realm, which may appear to the Committee to be mate-'rial for the information of the House on claims of such dig-'nity; and to report the same to the House.' The same Lords' Committees, we believe, have been reappointed in every succeeding Session of Parliament, and have continued their investigations ever since. In June 1816, they printed a short Report, stating the nature and object of the inquiries in which they were engaged: And in May 1820 they made a second Report, infinitely more voluminous than the first, containing the results of an elaborate inquiry into the constitution of the supreme legislature of England, from the Conquest to the present time. On this Report we intend to offer a few remarks.

We trust no apology is necessary for commenting on a work, which, though printed for the use of the House of Lords, has not yet been published. On examining the Report, we think

we have found in it errors that require correction, and defects that ought to be supplied. Before it be too late, we are desirous to submit the result of our examination to the Committee. It is yet time for them to reconsider their work, and give it a thorough and careful revision. We confess we should be concerned, if it were to go down to posterity, in its present state, as the deliberate judgment of one branch of the Legislature on the antient constitution of their country.

We must in candour, however, begin by acknowledging our obligations to the Committee for their researches. We have frequently profited by their remarks, and learned to hesitate from their doubts. We agree with them in their conclusion, that the present constitution of the English legislature is not older than the thirteenth century. We are ready to allow, that the supreme government of England was, before that time, in an exceedingly unsettled and indetermined state; and, in admitting that there is little similitude between our present legislature and that which existed before the time of Henry III. and Edward I., we acknowledge the difficulty of ascertaining when, or by what authority, the change was effected. We owe this further praise to the Committee, that their inquiries appear to have been conducted with every disposition to fairness and impartiality. We have not found in their Report any undue bias in favour of the Crown, and have been seldom offended with any of the ancient Tory prejudices against popular claims. When they have occasion to notice an act of doubtful authority on the part of the King, there is no attempt to mislead or deceive us, by saying it was done in virtue of the inherent prerogative of the Crown. When they relate the efforts of our forefathers to limit or resist the authority of the monarch, we are not deafened with exclamations against the usurpations of faction on his sacred and inalienable rights. Our early constitution is represented as irregular and unsettled, but not as arbitrary and despotical. We are not disgusted with having every vile and tyrannical act of our kings held up to us as samples of the government under which our ancestors were contented to live. A supreme authority, distinct from prerogative, is unequivocally recognised as subsisting in the worst of times, and under the most absolute of our princes. It is admitted, that, from powers irregularly and, perhaps, unconstitutionally assumed by the Crown, many parts of our present frame of government derive their origin. But the Committee distinctly acknowledge, that at all times a supreme authority existed in England, different from prerogative. 'Their view of the 'various documents to which they have had recourse, has

'tended to convince them, that, whatever may have happened in practice, the prince on the throne was at no time considered as constitutionally above the law; and that, to use the language of an eminent writer, Sir John Fortescue, Chief Justice of the King's Bench in the reign of Henry the Sixth, and afterwards his Chancellor when an exile in France, the government of the King of England was not simply *regal*, but *political*; and that the maxim, *quod Principi placeret, legis habet vigorem*, was never a general maxim of the constitutional law of England. But though such was probably in early, as well as in later times, the theory of the constitution of the English government, in practice the exertions of power by the Crown often went beyond their legal bounds; and there did not always exist that ready and constant control which now keeps the constitutional system in its true order. That control has been principally produced, and made effectual by the necessary expenses of the State, which gradually exceeded, and at length vastly exceeded, the hereditary revenue of the Crown; so that the government of the country could not be carried on by the King, without frequent, and, latterly, without constant recourse to the authority of the Legislature to provide the necessary supply.' We have quoted these passages at length, as a favourable specimen of the sentiments, as well as of the circumstantial and full, though somewhat redundant, style of the Lords' Committees. In their conclusions contained in the preceding paragraph, we entirely concur. We have expressed the same opinions of our ancient government in one of our former Numbers, ‡ and had recourse to the same view of the subject, in order to explain how it happened, in practice, so frequently and so materially to vary from its theory.

The Committee begin with the Norman conquest. They own, that the Saxon laws, and Saxon institutions for the administration of justice, were preserved, with some alterations, by the Conqueror; and they are persuaded, that though the Saxon legislature may have been altered at the Conquest, 'the spirit of 'its free institutions, after a lapse of years, so far prevailed as 'to force their way into the formation of what has been since 'called the House of Commons.' But, notwithstanding these admissions, they have renounced all inquiry into Saxon times, because 'they apprehend no authentic documents remain, from 'which the constitution of the Saxon legislature can be inferred;' and have therefore abandoned all hope of illustrating

‡ No. 52, pp. 363–367.

their subject by 'referring to Saxon institutions, except as 'the general spirit of such of those institutions as clearly re-'mained after the Norman conquest, may have influenced the 'formation of the Legislature' in the times of Henry III. and Edward I.

With all due respect for the Committee, we are not satisfied with these reasons. We do not see how the influence of Saxon institutions on the formation of the House of Commons can be properly estimated, without a preliminary inquiry into the nature of these institutions themselves. We cannot understand, for instance, how the influence of the County Courts, in giving a peculiar character to the representation of our landed interest, can be justly appreciated, without knowing the composition of these Courts in Saxon times, and without tracing them after the Conquest, and observing the different uses to which they were applied, till the period when our present county representation was fully established. We are as little able to comprehend, how the Committee can judge of the probability of citizens and burgesses having been, occasionally at least, called to the great Council of the nation, in times posterior to the Conquest, without knowing the condition of cities and boroughs before the arrival of the Normans, and without some inquiry into the importance and privileges they possessed under the Saxons, and into the rank and consequence then enjoyed by their inhabitants. It may be true, that we cannot now ascertain with certainty who were the constituent members of the Saxon Witenagemote; but we know something of the powers enjoyed by that assembly, and of the functions it exercised: And, if we are not mistaken, the want of that knowledge has led the Committee into an error of some importance at the very commencement of their inquiry.

Every one has heard of the Courts *de more*, held under our Norman Kings at the three great festivals of Christmas, Easter, and Whitsuntide. These Courts have been hitherto regarded as common Councils of the realm. The Committee consider them to have been mere Councils of State and Courts of Justice, attended by none but Judges and Privy Councillors. When a common Council of the realm was to be convened, they tell us it was usually assembled at the same time with one of these Courts. But an ordinary Court *de more* they regard as nothing but a meeting of the select Council of State, composed of the confidential advisers of the Crown, and of the supreme Court of Justice, which, they insinuate, was in those days 'regularly adjourned 'from time to time, in the same manner as is practised at this 'day in the Courts of Westminster Hall.'

If this be a correct view of the ancient Courts *de more*, the contemporary historians, who speak of them, have represented them in colours very unlike the truth. The Saxon Annalist, who flourished under the Conqueror, and lived at his court, describes what have been called the Courts *de more*, in the following manner. 'Thrice a year did the King wear his crown, 'when he was in England; in Easter he wore it at Winches-'ter; in Whitsuntide at Westminster; and in Midwinter at 'Gloucester: And then were with him *all* the great men over '*all* England; Archbishops and Bishops, Abbots and Earls, 'Thegns and Cnihts.'* It will hardly be said, that this description suits a convocation of mere Judges and Cabinet Ministers. The account of Malmsbury, who lived under Henry I. and Stephen, is not more favourable to the hypothesis of the Committee. After informing his readers that William, when in England, always kept his Christmas at Gloucester, his Easter at Winchester, and his Whitsuntide at Westminster, the historian adds, *omnes eò cujuscunque professionis magnates regium edictum accersebat, ut exterarum gentium legati speciem multitudinis apparatumque deliciarum mirarentur.*† Every one knows, that the term *Magnates* is one of the expressions used to describe the Members of the Common Council; and the multitude said to have been assembled on these occasions, is hardly reconcileable with a meeting of none but Judges and Cabinet Councillors. If from these general descriptions of the Courts *de more* we pass to particular accounts of these assemblies, we shall have still less reason to adopt the sentiments of the Committee. In the 19th of William I., says Henry of Huntingdon, the Conqueror held his Court *de more* at Gloucester.§ The historian does not inform us of what persons it was composed; but the Saxon Chronicle tells us, it was attended by his *Witan*—the expression usually employed in that venerable monument of our history to designate the Common Council of the realm.‖ It happened once upon a time, says Eadmer, in his account of Rufus, *cum gratiâ dominicæ nativitatis omnes regni primores ad curiam regis, pro more, venissent.*‡ Anselm, says the same historian, having gone to Court on a Christmas festival, *hilariter a rege totaque regni nobilitate suscipitur.*¶ In Christmas 1109, *regnum Angliæ ad Curiam Regis Lundoniæ pro more convenit.*** We leave our readers to decide, whether these descriptions of

* Chron. Saxon. 190.
† W. Malmsb. ap. Savile, p. 112.
§ H. Hunt. 212.
‖ Chron. Saxon, 186.
‡ Eadmer, 15.
¶ Eadmer, 21.
** Ib. 105.

the Courts *de more* agree with the theory of the Lords' Committees.

One error frequently leads to another. Having settled that the Courts *de more* were mere assemblies of Judges and Councillors of State, the Committee were led to the supposition, that immediately after the Conquest, a Supreme Court of Judicature, distinct from the Legislature, was erected by the Conqueror; and whenever the term *Curia Regis* occurs in our ancient historians or records, they interpret it to mean, not the Legislature or Common Council of the realm, but a Court of Justice sitting in the King's palace, the members of which were appointed and removed at his pleasure. 'It is important,' they observe, 'always to bear in mind that the word *Curia Regis* 'did not denote originally a Legislative Assembly, but only the 'King's Select Council and Supreme Court of Justice.' This view of our ancient government we apprehend to be altogether erroneous.

The phrase *Curia Regis* signified originally the King's palace or place of residence, or rather the hall, court, or chamber of his palace, where he convened his subjects for the discussion and determination of public affairs. ‡ It was afterwards used to express the assembly so convened; and it is only from the context, or from extraneous sources of information, that we can collect, what was the description of persons assembled on any particular occasion, what authority they possessed, or for what purposes they were brought together. Now, so far is it from being true, that the term *Curia Regis*, in the time of the Conqueror and his immediate successors, meant the King's High Court of Justice, as distinguished from the Legislature, that it is doubtful whether such a court then existed.

The term *Curia Regis* frequently occurs in the time of the Conqueror and his sons. It is sometimes used for the King's court or residence—more frequently for meetings there convened—but never, as far as we have remarked, is it employed in the limited acceptation given to it by the Committee. It is applied indifferently to all public assemblies held in his palace, whether for legislative or judicial purposes, or merely as a council of advice in the ordinary administration of his government. Nor is there any reason to believe, that, when used to express a meeting convened solely or principally for judicial business, it designated a different description of persons from those who consti-

‡ The term *Curia Regis* is supposed to have been introduced by the Normans; but, in its primitive signification, it is repeatedly used by Asser in his Life of Alfred, pp. 5. 19.

tuted the Legislature. Take the following instances. William I. summoned the Earls of Norfolk and Hereford to stand their trial in the *Curia Regis*, and for that purpose *omnes ad curiam suam regni proceres convocavit.* ¶ At a subsequent period he accused his brother Odo before the *primores regni in aula regali convocatos*, and called upon them to judge and pronounce sentence upon him. § There are accounts of many judicial assemblies held in presence of Rufus, the members of which are designated as *fermè totius regni nobilitas—totius regni adunatio*—as consisting of archbishops, bishops, and *principes terræ*, or *proceres regni.* ‖ The same prince, after suppressing a rebellion of the Earl of Northumberland, issued a general summons, directed to *all* his tenants in chief, commanding them, if they desired to live in his peace, to attend his *Curia* at Christmas. When they met, we are told, that he adjourned the court to the middle of January, and then proceeded with his *witan* to the trial of the offenders. * In 1102, Henry I. summoned Robert de Belesme to his *Curia*, and accused him, before all his barons, of various misdemeanours; and, in 1107, he again assembled his *proceres, et Robertum de Monteforti placitis de violata fide propulsavit.* † The continuator of Ingulphus describes a judicial assembly, under the same prince, as *Baronum maximus conventus.* ‡ Eadmer repeatedly gives an account of judicial proceedings in the same reign, before the bishops and *principes* or *proceres regni*,—the same terms which he employs to describe the members of the Legislature. ¶¶ On the 19th of March, 1116, the earls and barons of all England were assembled at Salisbury, to determine judicially the controversy subsisting between the Archbishops of Canterbury and York. §§

The same phraseology continued in use in the reign of Stephen. National councils, whether convoked for justice or advice, were indifferently termed meetings of the *Curia Regis.* The Norman Chronicle declares it an infamous act of that monarch, to have arrested in his *Curia*, and committed to custody, the Bishops of Salisbury and Ely, *nihil recti recusantes.* ‖‖ The Earl of Chester, according to another chronicle, having come to the *Curia Regis* at Northampton, in order to solicit the aid of his sovereign against the Welsh, was unexpectedly required to surrender the royal castles and demesnes, which, it was pretend-

¶ Orderic. Vital. 535. § Ib. 647. ‖ Eadmer, 26, 35, 39.
* Chron. Saxon. 203. Ann. Waverl. 139.
† Ord. Vital. 806, 823. ‡ Ord Vital. p. 128.
¶¶ Eadmer, 62, 65, 66, 86, 101, 136. §§ Hoveden, 271.
‖‖ Duchesne, 978.

ed, he had usurped; and on his requesting time to prepare an answer to this charge, he was instantly accused of treason, and committed to prison.* The same prince, *congregatis per edictum regium apud Sanctum Albanum proceribus regni,* arrested Godfrey de Magnavilla as soon as he appeared in the *Curia Regis.*†

The High Court of Justice, to which the Committee would restrict the appellation of *Curia Regis,* and of which such frequent mention is made under that name, in our early records and books of law, was confirmed and fully established by Henry II., if not originally instituted by that prince; and yet, in the reign of that monarch, and in the reigns of his sons, we still find the term *Curia Regis* applied to the Common Council of the realm,—the supreme judicature, as well as the supreme legislature of the kingdom. Soon after his accession, Henry II., we are told, held his *Curia* at Bermondsey, *cum principibus suis de statu regni et pace reformanda tractans.*‡ In the subsequent annals of his reign, meetings of the Common Council of the realm, for the despatch of judicial business, frequently occur; and by the 11th constitution of Clarendon, it was expressly enacted, that all persons holding in chief of the Crown by barony, were bound *interesse judiciis Curiæ Regis.* The great Council at Northampton was a judicial assembly for the trial of various civil actions on the part of the Crown against Becket; and is repeatedly termed *Curia Regis* in the account of its proceedings. Yet it was attended, not only by the Bishops, Earls, and Barons, but by the Sheriffs and Barons *secundæ dignitatis,* whoever these last may have been.§ The kings of Castille and Navarre, having referred their differences to the arbitration of Henry, and given surety *standi judicio curiæ suæ,* that monarch convoked a common council of his realm, submitted to its members the claims of the contending parties, and gave judgment in pursuance of their advice—*habito cum episcopis, comitibus et baronibus nostris cum deliberatione consilio—adjudicavimus.*‖ A controversy between William de Cahannes and the Earl of Leicester, about the tenure of land, was referred by the same prince to his bishops, earls and barons; and a dispute having arisen about the succession of Hugh Bigod, which was submitted to his decision, he promised to do justice to the parties *consilio comitum et baronum suorum.*¶

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* Duchesne, 970.

† W. Neubr. 35, 37.

‡ Gervas, 1377.

§ Stephanid. 35—46

‖ Chron. Brompt. ap. Twysden. col. 1124.—Fœdera, i. 34—Benedict. Abbas, 171.

¶ Benedict. Abbas, 165—180.

We shall give one other instance, from the time of Richard I., of the sense in which the term *Curia Regis* was still occasionally employed. An official paper, published by Hoveden, describes the *Curia Regis* as the highest tribunal of the kingdom; and a subsequent transaction, related by the same historian, explains to us of what members that supreme court was composed. The chancellor having been guilty of a gross outrage on the archbishop of York, received a citation from Prince John, Earl of Moreton, *ut juri staret in curia regis super injuria illa;* and when he put off his appearance from day to day, the Earl of Moreton, the archbishop of Rouen, the bishops *et principes regni statuerunt illi diem peremptorium apud Radinges. Ad diem autem illum venerunt illuc Comes Morctonii et fere omnes episcopi et comites et barones regni.* * A copy of the writ of summons to this council is preserved in a contemporary chronicle, and is probably the oldest writ, the words of which are extant. It is addressed to the Bishop of London by Prince John, and requires him, *sicut diligitis honorem Dei et Ecclesiæ, et domini regis et regni, et meum,* to be at the bridge of Lodon, between Reading and Windsor, on the Saturday after Michaelmas, *tractaturi de quibusdam magnis et arduis negotiis domini regis et regni.* † We shall only add, that the judicial proceedings at Nottingham, after the return of Richard from his captivity, were held in a common council of the realm, at which a general tax was imposed, and a variety of other public business transacted. ‖

From these instances, it appears to us quite clear, that the Committee are mistaken in supposing that the term *Curia Regis* was exclusively or originally appropriated to the king's court of justice, which sat in his palace for the ordinary despatch of judicial business. But their mistake, we apprehend, lies deeper than we have yet pointed out. If they had looked into our Saxon institutions, they would have seen, that the Witenagemote was not only the king's legislative assembly, but his supreme court of judicature. We shall not fatigue our readers with proofs or illustrations of this point; but refer them to Mr Turner's history of the Anglo-Saxons, where they will find ample information on the subject. The truth is, that the separation of legislative from judicial business, and their allotment to distinct assemblies, are refinements of a later and more civilized age than that of our Saxon or Norman ancestors. In all rude and semibarbarous communities, which are not subject to the arbitrary will of a single chief, the same public assemblies unite

* Hoveden ap. Savile, 701. † Diceto, 663. ‖ Hoveden, 736.

the functions of a court of judicature with those of a legislative council. The Saxon Witenagemote made laws and imposed taxes,—tried great criminals, and decided questions of property,—advised the king in the administration of his government, and even interfered in the appointment of his servants and ministers of state. The name, and probably the composition of the assembly, were changed on the arrival of the Normans: But its functions continued the same; and, with many improvements and alterations, they still subsist, and are daily exercised by our present Parliament. It is a grievous mistake to imagine, that any radical change has been effected in the principles of our constitution, since the time of our Saxon progenitors. The form and composition of the legislature have been altered. Its control on the subordinate parts of the government has been at one time more effectual than at another. But its rights have never been relinquished, nor have they ever been long disputed with impunity.

Such an assembly as the Saxon Witenagemote, or Norman great council, was undoubtedly but ill adapted for discussing intricate points of law, or determining nice and difficult questions of property; nor were its members disposed to waste their time, or relinquish the care of their private affairs for such avocations. We accordingly find, that the genius and spirit of the Saxon law were unfavourable to the multiplication of business before the supreme court of the king. Justice was administered between private parties in the County and Hundred Courts, and in the courts of *hlafords* possessing jurisdiction. If a *hlaford* denied justice, and maintained his men in their iniquities, an appeal lay to the king; but, if the cause was brought before the king, in the first instance, the plaintiff incurred a fine. * No man was permitted to seek justice from the king, till he had failed in obtaining it at home. † No one was to apply for justice to the king, till he had been denied justice in his hundred. ‡ The same tribunals, and the same mode of administering justice, were maintained after the Conquest. County and hundred courts, for trying questions of right, continued to be held under the Conqueror and his sons. The same reluctance was shown, and the same difficulty opposed to bringing causes, in the first instance, into the king's court. *Ne face bon plainte a Rei dici qui lun li seit de faili el hundred u el conte*, is one of the genuine and undoubted laws of the Conqueror, preserved by Ingulphus: § And in the collection of antient laws that bear

* Athelstan. Ll. 3.
† Edgar, Ll. pol. 2.
‡ Cnut. Ll. pol. 16.
§ Gulielm. Ll. 11.

the name of Henry I., we meet with the following—*Nemo apud regem proclamationem faciat de aliquo, qui ei, secundum legem, rectam offerat in hundredo suo.* *

But the rude and unskilful proceedings of the Saxon courts were not suited to the progress of society, nor even such as to content the Normans, a people farther advanced in refinement than the Anglo-Saxons. The first improvement made by the Conqueror, was to send his justiciaries, in cases of difficulty or importance, to preside in the county courts where the cause was to be tried. The next step was to institute a Court of Exchequer in England, in imitation of that established in Normandy, but on a different, and apparently inferior footing. *In plurimis*, says the Dialogue *de Scaccario*, in comparing the Norman with the English Exchequer, *et pene majoribus dissident.* † The Exchequer in Normandy was the sovereign court, to which appeals were made from all inferior courts and jurisdictions. The English Exchequer was a court for the private concerns of the Crown. Its primitive and proper duty was to receive and disburse the King's revenue, and to settle accounts with his sheriffs and bailiffs. It was his Chamber of Accounts; and its principal business was to superintend, manage and improve his revenue. Its original members were, the Chief Justiciary, who, in absence of the King, acted as President of the Court, and certain Barons, selected from the Common Council of the realm, on account of their rank and reputed qualifications for the office—*majores et discretiores in regno, sive de clero sint sive de Curia.* ‡ They met in the palace; and their Court was therefore termed *Curia Regis*, with the addition of *ad Scaccarium*, on account of a chequered cloth that covered the table at which they sat. From being employed to receive the King's revenue, and to settle with his officers, it was a natural and easy transition for the members of this Court to judge and determine the questions that arose in the course of their proceedings—*ad discernenda jura et dubia determinanda quæ frequenter ex incidentibus quæstionibus oriuntur.* § For it must be remembered, that, independent of the office they held in the Exchequer, the Barons of that Court were members of the Common Council of the realm, the highest judicature of the kingdom. When, in after times, the Exchequer came to be filled with mere lawyers, the author of Fleta remarks of it, *justiciarios ibidem commorantes Barones esse dicimus, eo quod suis locis Barones sedere solebant.* ‖ At the period of which we are now treating, the Barons of Exchequer

* Henric. 1. Ll. 34.
† Dialog. de Scaccar. lib. 1. c. 4.
‡ Dial. de Scaccar. lib. 1. c. 4.
§ Ibid.
‖ Fleta, lib. 2. c. 26.

were not only Barons of the realm, but the most distinguished of their order for their skill and prudence. Practice would add to their dexterity in unravelling questions of evidence, and experience improve their knowledge of law, and their readiness in applying its principles to particular cases. It is not, therefore, to be wondered at, that the jurisdiction they assumed in their own Court, was submitted to without complaint; and that suitors, awed by their authority, or satisfied with the fairness of their decisions, acquiesced in their judgments.

The reputation these Judges acquired in the Exchequer, naturally followed them in the Common Council of the realm. When judicial questions were brought before that assembly, they were the persons best qualified to guide the opinions, and direct the judgment of its other members; so that gradually, and perhaps insensibly, its ordinary judicial business fell into their hands. Many of them held offices at court, which retained them about the person of the King, when the other members of the Common Council were absent. They attended him abroad in his expeditions, and followed him in his progresses through the kingdom. On such occasions, when plaints were laid before him, they heard the parties without delay, examined the merits of their complaint, and in ordinary cases gave judgment, without waiting for the stated meetings of the Common Council, or convoking an extraordinary assembly. This practice, originating in convenience, and confirmed by usage, was at length established by law. At what time, and by what authority, a court, distinct from the Exchequer, and different from the Common Council of the realm, was appointed to sit in the palace, for the purpose of hearing and deciding the causes brought before the King, it is impossible for us at this day to determine. Records and historians are equally silent with respect to the first origin of this great innovation. The practice probably began in the Barons of Exchequer extending their jurisdiction from causes touching the revenue, to other matters affecting the rights or property of the subject. It is a confirmation of this conjecture, that the earliest Judges of this Court, of whom any memorials have been preserved, were also Barons of the Exchequer. All we know with certainty is, that in a Common Council held at Windsor in 1179, the constitution of this Court was so far settled, that six Justiciers were appointed *ad audiendum clamores populi in Curia Regis.* * And, in the preceding year, we are told, that complaints having been made to the King of the conduct of his *Justiciæ*, he reduced their

* Bened. Abb. 317.

number, *per consilium sapientium Regni sui*, from eighteen to five, two clergymen and three laymen; and enacted, *quod illi quinque audirent omnes clamores regni et rectum facerent, et quod a Curia Regis non recederent, sed ibi ad audiendum clamores hominum remanerent; ita ut, si aliqua quæstio inter eos veniret, quæ per eos ad finem duci non posset, auditui regi præsentaretur, et sicut ei et sapientioribus regni placeret, terminaretur.* * This enactment, for which we are indebted to one of the most accurate and circumstantial of contemporary chronicles, marks at once the existence of a permanent Court of Justice in the King's palace, and informs us of a still higher tribunal, the Common Council of the realm, to which, in cases of difficulty, its members might have recourse for advice or assistance. A permanent Court of Justice in the King's palace had existed, however, before this law was passed, and may be traced back, by records still extant, to 1169. † If we were to indulge in conjecture, we should be inclined to refer the first institution of this tribunal to the Council of Clarendon, in 1164. We know, from subsequent transactions, that various regulations for the better administration of justice were enacted in that assembly, which are not included in what are vulgarly called the Constitutions of Clarendon. ‡

While these innovations were going on, the quantity of business in the King's Courts rapidly increased. Disgusted with the ignorance and partiality of inferior tribunals, suitors were desirous to bring their causes directly before the King; and a device was fallen upon, which enabled them, at a small expense, to gratify their wishes. Whether it was by authority of some law, or in consequence of a dispensing power assumed by the King, and acquiesced in by his subjects, we are not informed; but a practice was introduced, of issuing writs from Chancery, which enabled suitors to bring their causes directly into the King's Court, without passing through the subordinate tribunals. Fines were paid for these writs, which enriched the Exchequer; and our Kings were thus tempted to improve their Courts of Justice, in order to add to their revenue. The sale and purchase of these writs, which was probably harmless at first, gave rise in time to the most scandalous abuses. The King, availing himself of the indefinite or ill defined prerogative he had acquired, made an open and disgraceful traffic of justice. A more frightful picture of judicial iniquity is not to be found, than is exhibited by Madox, from the Exchequer rolls, of Henry II.

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* Bened. Abb. 266. † Madox, Exchequer, i. 96.—2d edit.
‡ Bened. Abb. 131.

and his two sons. A tardy, but effectual remedy for the evil was at length applied. John was compelled, in a public and solemn act, to declare—*Nulli vendemus—nulli negabimus vel differemus justitiam aut rectum.* †

These changes, however, were slow and progressive. The Courts *de more* had ceased to exist, before the term *Curia Regis* had become the designation of a Court of Judicature, sitting in the palace and dispensing justice to those who brought their plaints before the King. The Courts *de more* ceased to be held with regularity in the time of Henry I.; and were laid aside entirely about the 4th of Stephen. * It is supposed that the Conqueror himself instituted the Court of Exchequer; but there is no record of its existence produced by Madox before the time of Henry I. ‡ In the same reign of Henry I., Justices itinerant were sent into the counties, to hold pleas of the Exchequer and other pleas; and the abuse was already introduced, of paying fines to the King—*pro recto—ut habeat rectum—ut habeat debitum suum, &c.* § But it is not till the time of Henry II. that we find entries of fines paid into the Exchequer, *ut placitet in Curia Regis—pro habenda loquela in curia Regis, quæ erat in comitatu—pro habenda consideratione curiæ Regis de hæreditate sua—pro brevi Regis habendo, ne placitet nisi coram eo vel ejus capitali justiciario.* ‖ It was not, therefore, till the reign of that monarch that the term *Curia Regis* came to be used in the restricted sense, which is supposed by the Committee to have been its original signification. And it is not improbable, that it was the discontinuance of the Courts *de more*, and subsequent irregularity in the meetings of the Common Council, that led to the establishment of this new tribunal. Certain it is, that there was in after times some confusion between its functions and those of the legislature. The similarity of its name and place of meeting, the high judicial functions it exercised, and the presence of the King or of his chief justiciary at its sittings, led this assembly of lawyers and officers of state to arrogate to itself on some occasions legislative authority. Under the name of *Concilium Ordinarium*, which succeeded to that of *Curia Regis*, it continued this system of usurpation. Parliament connived at, and, on some occasions, even authorized these stretches of authority. But, roused by the clamours and peti-

† Madox—Exchequer, i. 425—455.
* W. Malms. 63.—H. Hunt. 223.
‡ Madox, Exchequer, i. 209.
§ Madox, Exchequer, i. 146. 425. 448.
‖ Madox, Exchequer, i. 96–120.

tions of the people, it interposed at length and put an end to them; and, for ages past, the members of the *Concilium Ordinarium*, who are not also members of Parliament, have been reduced to the humble station of Assistants to the House of Lords.

But to return to our Report. Having degraded the Courts *de more* from the rank of legislative meetings, and restricted the *Curia Regis* to an assembly of judges and councillors of state, the Committee find few meetings of the Common Council of the realm from the Conquest to Magna Charta. They consider no assembly to have been of this latter description, unless it is recorded to have made 'important changes in the condition of 'the King's subjects, or imposed burthens on the people in the 'nature of taxes.' They forget, that the antient Common Council, like our present Parliament, was a council of advice in the ordinary administration of the government, as well as a legislative assembly; and a comparison of the provisions of Magna Charta, with the constitutions of Clarendon, might have taught them, that the same persons who had a right to impose burthens of the nature of taxes, were also members of the supreme judicature of the kingdom. Our antient chronicles, we are ready to admit, throw a feeble and uncertain light on the composition of the Common Council; but, unless we reject entirely the evidence of history, we must believe them when they tell us that it met, and trust to their accounts of the business that was there transacted.

The Committee admit, with some hesitation, that the Conqueror held two legislative assemblies in the course of his reign; one for imposing military tenures, and the other for amending the laws of King Edward. * They are inclined to think, that the act, separating the civil and ecclesiastical jurisdictions, emanated from his sole authority: ‡ though the writ, giving notice of this important innovation to the Bishoprick of Lincoln, says expressly that it was made *communi concilio, et consilio archiepiscoporum meorum, et cæterorum episcoporum et Abbatum et omnium principum regni mei.* ‖ In pursuance of the theory they have adopted, they exclude from the list of Common Councils all meetings for judiciary purposes, and take no notice of grants *consilio episcoporum et baronum*, though apparently made in general convocations of the kingdom. If they had not rejected all information of Saxon origin, we should have thought the following notices could hardly have escaped their attention. 'In

* Report, p. 36.

‡ Ib. p. 29.

‖ Selden ad Eadmer. 167.

'Christmas 1085 (1084) the King was at Gloucester with his 'witan, and held his court there for five days, and then the 'Archbishop and his Clergy held a synod for three days, after 'which the King had much consultation and very serious talk 'with his *witan* concerning the land, how it was held, and by 'what men;' the result of which was, the appointment of commissioners to make the survey contained in Domesday. § 'In 'Lammas 1085 he was at Salisbury, and there came to him his 'witan, and all the *land sittende* men (landowners) of any ac-'count, from all parts of England, whose men soever they were, 'and they all bowed to him and became his men, and swore to 'him an oath of fealty, that they would be faithful to him a-'gainst all other men.' *—It is true, the Committee have incidentally mentioned this last assembly, of which they happened to find an account in the Annals of Waverley, an ancient chronicle, which, in the time of the Conqueror and his sons, is a mere translation, and oftentimes an imperfect and incorrect one, of the Saxon Chronicle. The monk of Waverley has translated the *Witan* of the Saxon Chronicle *barones*, and the *land sittende* men, *terrarii*. The Committee, who imagine him to have been a contemporary writer, because in translating a passage from the Saxon Chronicle, he had not wit enough to omit or alter a sentence of the original, where the author says he had often seen William with his own eyes, and had resided for some time at his court, appear to have been struck with this opposition between *Barones* and *Terrarii*; and gravely conclude, that the former were tenants in chief, and the latter persons holding under mesne lords. If they had looked to the original, they would have seen, that *barones* meant *Witan*, or members of the Common Council; and *terrarii*, owners or occupiers of land, who did not possess that distinction. Trusting to the same authority, the Committee infer, that notwithstanding his charter, William, towards the close of his reign, extorted great sums from his subjects, 'by exaction, and not by grant.' † It is very possible the money was unjustly extorted; but if the Committee had consulted their original, they would have found, that it was taken from persons against whom he could *ænige tcale to habban*, produce some ground of legal complaint. They would have seen, that it was not exaction by force, but extortion on pretence of law; and, though a villanous practice, no infringement of his charter.

The Committee have found no document, in the time of Ru-

§ Chron. Saxon. 186.
* Chron. Saxon. 187.
† Report, p. 35.

fus, 'from which they can infer any thing important with re-
'spect to the constitution of any legislative assembly in his
'reign.'‡ It is true, there is no exact enumeration to be found of the persons composing the Common Council in the reign of that prince; but there is abundance of evidence to prove, that such assemblies continued to be held even under 'his arbitrary and oppressive government.' Eadmer mentions several, and describes at length their proceedings. The Saxon Chronicle confirms his testimony in some instances, and gives an account of others, which it did not fall within the plan of his history to notice. The members of these assemblies are described in Saxon as *Witan*—as *all persons who of the king held land;* and in Latin, the lay members are termed *regni proceres*, or *principes*, or *primores*, or characterized as *totius regni nobilitas*, or *nobilium conventus;* and, on one occasion, mention is made of *milites*. These accounts throw some additional light on the constitution of the Common Council; but they are chiefly valuable as confirmations of the general fact, that in no reign since the Conquest has the government of England been administered by the King alone and his Select Council of State, without more general convocations of his subjects.

'It does not appear, even from history,' say the Committee, 'that Henry I. ever convened any assembly of the great 'men of his kingdom for legislative purposes.' If by legislative purposes is meant the enactment of statutes, the Committee should recollect, that, besides his Charter, which they have noticed, there are only two secular laws extant of the time of Henry I., and that these exist in no other form than that of writs promulgating and making them known to the sheriffs. Few were the statutes made in those times, and comparatively light and infrequent the burthens in the shape of taxes imposed on the people. Common Councils were assembled, not to make statutes or to lay on taxes, which were not wanted, but to advise and direct the king in the administration of his affairs, foreign and domestic. Of such Councils, convened by Henry, there were many. Hardly a year passed, when he was in England, without the convocation of an assembly of that description. It would be in vain for the Committee to allege, that these were only meetings of the Select Council of State. The language of historians is utterly inconsistent with such an hypothesis. The persons assembled are described—as all the head men of the land, clergy as well as laity*—as *tota regni nobili-*

‡ Report, p. 36.

* Chron. Saxon. 211. 230.

tas †—as *omnes barones mei* ‡—as *concilium totius Angliæ* §—*baronum maximus conventus* ‖—*primates, principes, optimates* and barons of all England ¶—as all his bishops, abbots, and thegns, summoned by the king's writ to a *gewitene mot.* * If such expressions are to be wrested to mean none but Select Councillors of State, we may as well reject at once the existence of a Common Council of the realm; for history furnishes no passages more strongly descriptive of its members, than those quoted above from contemporary authors of the highest credit.

After all, it is not quite true, that no assembly for legislative purposes is mentioned by historians in the time of Henry. We are informed by Eadmer, that he assembled his bishops and *proceres*, in order to discuss and settle the question of investitures. The same historian tells us, that by advice of Anselm and his *proceres*, he made severe laws to repress the abuses of purveyance, and to correct the disorders of the coinage; and that, having enjoined his bishops to make further regulations to restrain the incontinence of their clergy, he confirmed their decrees *assensu omnium baronum suorum.* ‡‡ Meetings for judicial purposes, and for mixed business, partly judicial, partly legislative, and partly deliberative, occur continually in the accounts of his reign.

'It appears from history,' say the Committee, 'that the 'principal men of the country so far acceded' to the agreement between Stephen and Henry, touching the succession of the latter to the crown of England, 'as to join with the king 'in swearing to its observance: but no mention is made of a 'legal convention for this purpose.' This is a most unfortunate assertion; for it so happens, that there is no public event of those times, concerning which we have such minute and circumstantial details, as of the negociation between Stephen and Henry, and to which the assent and concurrence of the great men were more deliberately or more solemnly given.

The negociation began at the instance of the *proceres* on both sides, who compelled the two competitors to suspend their hostilities, and have a private and amicable meeting, with a view to a permanent accommodation. The first treaty failed of success; but, in consequence of the good offices of the Prelates of Canterbury and Winchester, the negociation was renewed, and the

† Eadmer, 59—Fl. Wigorn. 662. ‡ Eadmer, 86.
§ Sim. Dun. 243. ‖ Contin. Ingulph. 128.
¶ Eadmer. 117. 136.—H. Hunt. 220.—S. Dun. 256.—F. Wig. 657.
* Chron. Saxon. 224. ‡‡ Eadmer, 91. 94, 95.

parties at length brought to terms of peace. The preliminaries being settled, a meeting of the *præsules* and *principes regni, ex præcepto regis et ducis,* was called at Winchester towards the end of November, *ut et ipsi jam initæ pacis præberent assensum et unanimitas juramenti sacramento confirmarent.* From Winchester the king and duke, with a large attendance of nobles, repaired to London, where the treaty concluded at Winchester was published by proclamation; and on the 13th of January following, a second convention was held at Oxford, where the earls and barons swore fealty to Henry, having previously done liege homage to him. *

It has struck us often in this part of the Report as a most extraordinary proceeding on the part of the Committee, that they appear rarely to have consulted any of our ancient historians, except Mathew Paris, who lived in the time of Henry III., and the Annals of Waverley, which are an imperfect, and often incorrect abridgement of another work. There can be no doubt, that the evidence of records, where they exist, ought to be preferred to vague information from historians; but it seems equally clear, that of historians, the contemporary writers should have a preference over the copiers and translators of a later age.

The Committee have made some judicious remarks on the Constitutions of Clarendon, and on the subdivison of landed property in England under the second Henry; but they have taken no notice of the numerous and important Councils of the realm held during his reign. It is extraordinary that, with the proceedings at Clarendon, Northampton, London, Windsor, and other places before their eyes, they should not have seen, that the Common Council was then, as it has been at all times, the highest judicature of the kingdom.

They complain of the want of authentic documents in the reign of Richard I. An immense sum, they tell us, was required for his ransom, which was levied of course on his subjects; but 'it does not appear,' they add, 'that any Common Council of the kingdom was summoned for this purpose.' If they had looked into Hoveden, † they would have found that, on intelligence being brought to England of the King's captivity, the Archbishop of Rouen, who was chief Justiciary, issued a writ to the Bishop of Durham, *et omnis difficultatis exceptione postposita die dominica ante Lætare Jerusalem, apud Oxenford nobis et aliis domini regis fidelibus occurratis;* and if they had

* H. Hunt. 227.—Gervas. 1375—Jo. Hagulstad. 282.—Fœdera, 1. 18.

† Hoveden, 410.

consulted Madox,* they would have seen the extract of an entry in the great Roll, *Laurentio Ostiario xx solidos ad deferendas summonitiones regis per Angliam pro concilio convocando apud Oxineford.* It is singular enough, that the Committee should be ignorant of the existence of a Council, the writ of summons to which has been preserved by a contemporary historian, and the payments for transmitting the writs recorded in the great roll of the Exchequer.

We have few remarks to offer on that part of the Report which relates to the reign of John. The Committee, it appears to us, pass over the story of his election, in Mathew Paris, too slightly. That a more formal proceeding than ordinary, in the way of Election, took place before the coronation of John, is confirmed by the letter of Prince Lewis to the monks of Canterbury, which expressly says, that, in putting the crown upon his head, Archbishop Hubert publicly declared, *quod non ratione successionis, sed per electionem, ipsum in regem coronabat;* † and the singular fact that, in his public papers, he dates his accession to the throne, not from his brother's demise, but from his own coronation, gives additional probability to the story.—The Committee are rash in their assertion, that no 'mention is 'made of the convention of any legislative assembly in the ear-'ly part of the reign of John.' If they had looked carefully, they would have found more than one mentioned by historians. ‡—A writ to the Bishop of Salisbury, in the 6th of John, has led them into what appears to us, if we understand them rightly, a most unaccountable blunder. They seem to think it possible, that a Council summoned to meet on the Sunday before the Ascension, that is, in May or in the latter end of April at the soonest, *may* have been the same individual Council, the proceedings of which are referred to as past and concluded, in a writ dated the 3d of April preceding. §

At the close of the reign of John, the Committee have made some judicious and pertinent remarks on the connexion of Normandy with England, and on the consequences arising from the final separation of the two countries. Normandy, while annexed to the Crown of England, added prodigiously to the authority, consequence, and wealth of the King, and in the same degree lessened his dependence on the good will and affection of his English subjects. If he was disposed to violent and arbitrary acts of government, the power he derived from Normandy

* Exchequer, ii. 274. † Fœdera, i. 140.
‡ M. Paris, 197. 204.—Hoveden, 461.
§ Report, p. 57.

enabled him with greater safety to indulge his inclinations. The Normans and English were considered as one people; and many individuals had large estates in both countries. Wars for Normandy were, therefore, always popular in England; a large portion of the landed proprietors having an interest in its preservation, and being therefore readily disposed to perform their military services in its defence. But the case was different with the other foreign possessions of the English Kings. Instead of being a benefit, they were a burthen to the Crown. The inhabitants of these districts were deemed aliens in England, and were often objects of commercial jealousy and hatred. It was difficult to engage the English in wars for their defence; and, to obtain their concurrence, sacrifices were required from the Crown which confirmed and consolidated the liberties of the people.

From the Conquest to Magna Charta, the government of England had been slowly and gradually undergoing important alterations. The splendour of the Crown had been impaired by the loss of its territories on the Continent, and its intrinsic resources exhausted by improvident alienations of its demesnes. But it may be questioned, whether the steadiness and vigour infused by the Conqueror and his successors, into every branch of internal administration, and, more particularly, whether the changes induced in the course of justice, and the new constitution of judiciary tribunals, had not, on the whole, increased and extended the royal authority. If it stood on a less solid foundation, certain it is, that it was become more vexatious and burthensome to the subject; and redress from its oppressions was more difficult. If individuals were better secured from the violence and injustice of their fellow-subjects, they were proportionally more obnoxious to the passions and resentments of the government. Instead of the County, Hundred and Baronial Courts, over which the Crown had little influence, the justice of the kingdom was almost exclusively exercised by the judges of the Curia Regis and the Exchequer, and by the justices itinerant in their circuits. By these judges, who were more or less dependent on the Crown, and disposed, in general, to enforce and exact to the utmost all its rights and dues, the numerous penalties of the Saxon code were levied with a rigour and strictness unknown in Saxon times. Transgressions against the forest-laws were visited with unrelenting severity; fines, redemptions, and compositions, extorted on the most unjust and frivolous pretences; abuses of purveyance protected; prerogatives, vested in the Crown for the public benefit, perverted into engines of finance; the injustice of those in authority connived at, till the

culprits were rich enough to pay for their transgressions; the free gifts and writs of cities and boroughs converted into arbitrary tallages; and the military tenants themselves harassed and impoverished by the extension and perversion of the feudal incidents, to which their tenures made them liable. The poverty of the Crown became an incentive to its rapacity, and the judges were the instruments of its exactions. In the Curia Regis there was an open traffic of injustice; and the *iters* of the justices itinerant are only known to us at the present day by the money they levied, and the fines they brought into the Exchequer.

Volumes would not suffice to enumerate and explain the arts resorted to by Henry III. to enrich his treasury at the expense of his subjects, as they are described to us by Mathew Paris, and confirmed by the records of the Exchequer. There were no contrivances for obtaining money so mean or unjust that he disdained to practise them. The administration of justice became an instrument of finance in his hands. False charges were repeatedly made against the city of London, in order to extort money from the citizens. * Justices itinerant were sent through the kingdom, not to punish offenders, but to compound with them for their transgressions,—not to execute justice, but to collect fines. † On pretence of offences against the forest-laws, whole families were reduced to beggary, their goods distrained and sold, their houses and lands abandoned, and the owners condemned to perish in prison, or converted into vagrants and outlaws. ‡ Prerogatives, which the Crown had been permitted to exercise for public convenience, were turned into engines of extortion. The king had a right to pardon offences against the state. Henry granted pardons for money. ‖ He had a right to regulate fairs and markets. Availing himself of this prerogative, he punished the citizens of London for their refusal to supply his necessities, by establishing a fair at Westminster, and compelling them, not only to shut up their shops in the city while it lasted, but to erect booths, and expose their goods to sale at the fair, though there were no purchasers there to buy them. ¶ He had the superintendence of commerce, and the right of purveyance. How he abused these prerogatives, appears from a remonstrance of his parliament, § which Hume has had the candour to transcribe, though he is inclined to think the facts contained in it may be somewhat exaggerated. But in the following year, and five years afterwards, we have a repetition of

* Math. Paris, 651, 863, 902.
† Ib. 533, 652, 661, 786, 864.
‡ Ib. 652, 661.
‖ Ib. 409, 820, 827, 935.
¶ Ib. 758, 852.
§ Ib. 744.

the same complaints; § and, at different periods of his reign, many particular instances are recorded of his injustice and oppression in the exercise of these prerogatives. The Cistercians having refused him money, he prohibited them from exporting their wool; † and some Gascon merchants having brought a quantity of wine into the kingdom, he seized and converted it to his own use. ‖ No device was neglected that could be turned to profit. Observing that the right of warenne gave rise to frequent lawsuits, which brought money into his Exchequer, he ordered proclamation to be made in the market towns, that all who desired to have the right of warenne, might purchase it for money; which many did, without regard to the injustice done to others. ¶ No sooner was the clause of *Non Obstante* invented by the Pope, than the King adopted it for his use, and, not content with employing it on his own occasions, he made a traffick of it in his courts of law, and sold injustice to all who were willing to pay for it. * Instead of resisting the extortions of the Roman See, he became the ally of the Pope against his people, and was content to assist in plundering his subjects, provided some share of the pillage came to himself. 'When the wolf and the shepherd confederate,' exclaimed the monks, 'it bodes ill for the flock.'

But the acts of meanness to which Henry descended, for the purpose of obtaining money, were not less remarkable than his perversions of law and justice. It had been customary for his predecessors to receive presents from their subjects on occasions of public congratulation. This custom he converted into a right, and exacted his due with shameless importunity. On the birth of his son Edward, he sent letters announcing the joyful intelligence to all who could make him a present in return, and showed such greediness in exacting from his faithful subjects those free offerings of their loyalty, that some one was heard to say, 'God has given us a young Prince, but our Lord the King 'has made us pay for him.' † It had been usual for his predecessors to give and receive presents at the New Year. Henry abolished the practice of making presents, but continued to receive them as formerly; and if any one neglected his customary donation, he was sure to be reminded of the omission. ‡ Whenever the King returned from abroad, there was a call on the liberality of his subjects; and where a suitable answer was not made, they were fined by the Judges for some transgression.

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§ Math. Paris, 758, 864. † Ib. 626.
‖ Ib. 934. ¶ Ib. 852. * Ib. 810.
† Ib. 488. ‡ Ib. 747.

When other resources failed, he begged or borrowed money from his subjects; and no idle spendthrift, no scheming bankrupt or mendicant by profession, could exceed him in barefaced solicitation. Expressions of contrition, and protestations of amendment, cost him nothing. To the citizens he promised repayment: To the nobles he pleaded his poverty and debts,—solicited their bounty as a favour,—assured them of a grateful return,—and insinuated, that he should remember those who refused, as well as those who gave: To the abbots he stated the urgency of his wants, begged their aid either in the form of gift or loan, and scrupled not even to say, that money bestowed on him was greater charity than the alms given to the beggar that came to their gate. ‖

It may be thought, that the authority of the Crown must have fallen low indeed, when such language was heard from the King. But it must be remembered, that Henry was a prince without honour or dignity, false, fickle, prodigal and pusillanimous, devoted to his favourites, ungrateful to his friends, violent and insulting in his language, cowardly and unsteady in his conduct, provoking at once the enmity and contempt of his subjects; and yet, with all these disadvantages, that for thirty years he pillaged and misgoverned his kingdom, notwithstanding a constant and formidable opposition in Parliament, headed by the chief nobles of the land. The truth is, that the ancient Common Council, or Parliament, as it now began to be called, was an assembly ill adapted for exercising a steady and vigilant control over a profligate and unprincipled administration. It met frequently, but sat in general for a few days only. The number of persons who had a right to sit in it appears to have been great; and, if we may credit the vague accounts of historians, it was on some occasions attended by a vast concourse of members. But, in ordinary cases, it is probable that few persons came near it, except the chief nobles and ecclesiastics, and such of the tenants in chief as resided near the place of its convocation, which varied with the caprice or convenience of the monarch. Such an assembly was incapable of that vigilant and constant superintendence, which the vices of the monarch, and the abuses of his administration, required; and as its defects were brought to light, devices were fallen upon to reform and improve its constitution, and render it a fitter instrument of government. At first it was thought sufficient to make representations of grievances to the King, and to insist on a change of his ministers. But he soon found new favourites as bad as the

‖ Math. Paris, 758.

old, who continued the system, and followed the steps of their predecessors. It was then proposed to take from him the appointment of the Chief Justiciary, Chancellor and Judges, the great instruments of his misrule,—to vest in Parliament the nomination of these ministers, and to render them independent of the Crown. Henry resisted, with pertinacity, this innovation, if it was not in fact a renovation of the antient practice, till the proceedings at Oxford had thrown the whole power of the State into the hands of his Parliament. A new model of government was then set up, obviously calculated to correct the defects which experience had shown in the constitution of the Common Council, but too narrow in its basis to last. A second attempt to reform the Common Council was made by the Earl of Leicester, after the battle of Lewes. But this great object was not finally accomplished till the reign of Edward I., when, after a succession of experiments, the antient Common Council, or Parliament, was suffered to expire; and from its ashes arose the two houses of Parliament, as they subsist at present.

The Committee have bestowed great pains on the transition from the antient Common Council to the modern Parliament; and many of their remarks on this part of our history are deserving of attention. But they appear not always to have fully understood the transactions they relate. The provisions of Oxford were an attempt to substitute a new form of government in place of the antient Common Council. The experiment failed, because the basis of the new establishment was too narrow. But there is no reason to believe, that this new plan of government was exclusively calculated for the advantage of the Earl of Leicester and his adherents. If the Committee had looked carefully into the names and characters of the persons in whose hands the government was placed, they would have seen, that the new Constitution was no party business; that a large portion of those on whom authority was conferred, were devoted partisans of the King; that the majority were moderate men, who alternately sided with both parties during the dissensions that followed; and that the Earl of Leicester and his friends formed a very small minority in the government. It was not till the death of Richard, Earl of Gloucester, nor till the King had broken the engagements contracted at Oxford, that the Earl of Leicester acquired a decided lead in his party. That his ambition took a higher flight after the battle of Lewes, is not improbable; but that he died with the reputation of a good patriot, appears from the popular lamentations that attended his fall. The character of this remarkable man, to whom we owe the first establishment of representative govern-

ment on an extended basis, deserves to be rescued from the imputations unjustly cast on his memory by careless or servile historians.

Our readers will not suppose, that we ascribe the final establishment of a direct representative government by Edward I. to any plan or intention in that ambitious monarch to render Parliament a more effectual control on the Crown, or more vigilant guardian of the people's rights. It was no part of that Prince's character to respect the liberties of the subject, or to set up or strengthen any authority in opposition to his own. But changes in the distribution of property, had led to the necessity of some change in the distribution of political power. The new orders of men, who had risen to consequence, required, in a constitution the basis of which was freedom, to be admitted to some participation in the supreme government of their country; and Edward, whose conduct was firm and prudent, easily foresaw, that the same institutions which, under his father, had been proposed as checks on a weak, prodigal, and incapable monarch, would, in different circumstances, and with a Sovereign of another character, add strength and stability to the throne. He was, besides, in constant want of money for his foreign wars; and judged it an easier and shorter process to obtain grants from his cities and boroughs assembled in Parliament, than to send his Judges through the kingdom, to solicit or extort a gift or tallage from each city and borough in particular. His connexions with Spain, and familiar acquaintance with the institutions of Arragon and Castille, where the representation of cities had been long established, might also reconcile and dispose him to this innovation. It must be recollected, that though the changes he introduced in the frame of our government were destined to produce the most salutary and important effects, no one, at the time, could foresee the consequences to which they led; nor was their beneficial tendency experienced in its full extent for many ages afterwards.

Our limits will not permit us to follow the Committee with the same minuteness in the remaining part of their Report. The chronological arrangement, to which they have adhered, leads to repetitions that perplex and fatigue on perusal, and would be utterly intolerable in an abridgement. We shall, therefore, content ourselves with a few remarks on the opinions they have proposed concerning the origin of our County and Borough Representation, and conclude, with pointing out and correcting some of the numberless mistakes, into which they have fallen, in the course of their long and arduous investigation.

They evidently incline to the opinion, that none but tenants

in chief were originally electors of Knights of the shire. * 'If 'it could be established,' say they, 'that such was the law in 'the reign of Henry III., much difficulty in the investigation 'of the original constitution of the legislative assemblies of the 'realm, would be avoided.' There are documents, they afterwards tell us, which afford 'ground for doubt, whether the 'tenants in chief of the Crown, were not at one time the only 'suitors of the County Court, or at least the sole electors of 'the Knights of the shires.' The documents to which they allude, appear to be the petitions and other proceedings in Parliament, under Edward III. and his successors, concerning the payment of wages to Knights of the shires, from which they are inclined to infer, 'that the origin of the representation of the 'counties in Parliament, was the impossibility of assembling 'all the tenants in chief of the Crown, according to the charter 'of John;' and that Knights of the shire originally represented, and were elected by none but tenants in chief. †

We are of opinion, that no conclusion whatever can be drawn from the disputes concerning the payment of wages. The Committee lay it down as a principle, that 'the electors were the 'persons who were to pay the elected.' But, if they had looked into a writ of Edward III., which appears to have escaped their notice, though published by Rymer, ‡ they would have seen that villeins, as well as freeholders, contributed to the wages of Knights of the shires; and consequently, that persons were charged 'with the expenses of representatives of counties, 'who had no voice in the election of those representatives;' for nothing is more certain, than that villeins and copyholders were never possessed of the elective franchise in counties. The payment of wages was, in some counties, regulated by particular customs; but there seems to have been no general exemption, except for the demesne lands of Lords of Parliament, occupied by themselves and their bondmen. The earliest writ *de expensis*, which is of the 42d of Henry III., directs the wages to be levied *de communitate comitatus:* § and the subsequent petitions and disputes, which have misled the Committee, evidently arose out of the casual or fraudulent omission of the words *tam infra libertates quam extra*, in the writs issued to the Sheriffs in the time of Edward III. ¶

We are told by the Committee, that in the earliest writs addressed to the Sheriffs for the election of county representatives,

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* Report, 30, 321, 332, 365, 367, 388.
† Report, 150, 188, 367.
‡ Rymer, 7, 134.
§ Brady, Introd. 141.
¶ Prynne, Parl. Writs, 4, 230.

the directions are so loose and indefinite, 'that it is not sur-'prising a variety should have obtained in the practice of dif-'ferent counties, both in the mode of election, and in the levy 'of the wages of the Knights elected.' The Committee seem not to be aware, that elections in the county courts are of a much older date, than the introduction of county members into the Parliament, or Common Council of the realm. The Sheriffs were accustomed to these elections; and therefore, such general expressions as *quod elegi facias*, were sufficient directions to them how to proceed. A writ of the 17th of John, enjoins the Sheriffs to elect twelve Knights from their respective counties, in the first county court, *de ipso comitatu*, to inquire into bad customs. * A writ of the 4th of Henry III., directs two Knights to be elected in every county, *in pleno comitatu, de voluntate et consilio eorum de comitatu,* in order to collect a grant made by the Common Council. † In the 10th of the same reign, certain counties, which had been aggrieved by their Sheriffs, were ordered to elect two Knights in their county court, by the knights and good men of the county; and to send them to Lincoln to lay their complaints before the Magnates. ‡ In the 38th of the same Prince, two Knights were directed to appear before the Council, from every county in England, *quos iidem comitatus ad hoc elegerint vice omnium et singulorum*, § for the purpose of conferring together, and considering what aid they could afford to the King. After the battle of Lewes, four knights were ordered to be elected in every county, *per assensum ejusdem comitatus*, to attend a Parliament in London on the Utas of Trinity. ‖ Who can doubt, that the knights summoned by the same authority to a subsequent Parliament in the January following, were elected in the same manner—though, in the short entries of the writs to the Sheriffs, which appear on the close rolls, it is merely said, *quod venire faciant duos milites singulorum comitatuum?*

It is true, that the writs for the election of county members, under Edwards I. and II., and in the early part of Edward III., contain, in general, no other directions to the Sheriff, than *quod elegi facias.* But this is not the case universally. A writ of the 22d of Edward I. declares that knights are to be elected *de consensu comitatus;* and other writs of the 28th and 34th of the same Prince, *de assensu communitatis comitatus*, or *per communitatem comitatus.* ¶ Besides, if there was any uncertainty from the lan-

* Brady, App. 150. † Brady, Introd. App. 41.
‡ Report, 88. § Prynne, 2. 22. ‖ Fœdera, 1. 442.
¶ Prynne, 2. 31, 62.—Brady, Boroughs, App. 26.

guage of the writs, it would be removed by the returns of the Sheriffs, which frequently state, that the persons, whose names are contained in their schedules, have been elected by the whole county—in full county court—with consent of the whole county—*in pleno comitatu—per totam communitatem comitatus.* * Towards the middle of the reign of Edward III., probably in consequence of some tricks of the Sheriffs, the writs became more explicit, and directed the members to be chosen in full county court, *de arbitrio et assensu hominum comitatus;* or *de communi assensu comitatus;* And this formula, once introduced, continued in use under Richard II., and till the statute of Henry IV. placed the election of county members under the control of an act of Parliament. †

Discarding, then, entirely, the vain surmises of the Committee, and assuming, as an indisputable fact, that county members have been at all times chosen in the county courts, *par commune assente de tout le contée,* the only question that remains for determination, is the description of persons who constituted the county court, when county members were first elected. On this point, we have entered at such length in one of our former numbers, ‡ that we think it unnecessary to enlarge upon it at present. We shall only mention two facts;—the one to show, who were the members of the county court in the reign of Henry III.; and the other to prove, that the tenants of mesne lands were suitors and judges of the county court in the time of the Conqueror. In the 2d of Henry III., we have a writ to the Sheriff of Yorkshire, commanding him to publish the charters *in pleno comitatu tuo, convocatis baronibus, militibus et omnibus libere tenentibus ejusdem comitatus*;—showing, beyond a doubt, that *all* freeholders were at that time members of the county court. ‖ In the reign of the Conqueror, there was a lawsuit in the county court of Cambridgeshire, between Gundulf, bishop of Rochester, and Sheriff Picot on the part of the King. It was a question about some land, which the Bishop claimed for his see, and Picot for the crown. The latter having taken forcible possession of the land, the Bishop complained to the King, who referred the matter to the *homines comitatus*, and sent his justiciary into Cambridgeshire to try the question. The county, when assembled, decided in favour of the King; but the justiciary, suspecting the suitors were biassed by their fears of the Sheriff, ordered them to elect twelve *ex seipsis, qui quod omnes dixerant, jurejurando confirmarent.* The names and

* Prynne, 2. 41–47, 57. 63.—3, 143.
† Prynne, 2. 117–3. 145.
‡ Vol. xxvi. p. 343.
‖ Brady, App. 166.

places of abode of six of these jurymen are given, and the rest are described as *alii sex de melioribus comitatus;* but not one of the persons mentioned by name is to be found in Domesday, among the tenants in chief of the Crown. One of them only, Ordmær of Bellingeham, is to be met with in that record; and he is put down as a subtenant of Earl Alan, holding under him six ploughgates of land, which he had held under Eddeva in the time of King Edward. *

With respect to our borough representation, the Committee are decidedly of opinion, that cities and boroughs were on no occasion called upon to assist at legislative meetings before the 49th of Henry III.; and much disposed to believe, that none were originally summoned to Parliament, except cities and boroughs of antient demesne, or in the hands of the king at the time when they received their first summons. We are inclined to doubt the first of these propositions, and convinced that the latter is entirely erroneous.

There is some obscurity in the early part of our history with regard to the aids or tallages of cities and boroughs. Under Henry I., and in the early part of Henry II., we find the sheriffs accounting to the king for the *donum* of the knights and community of the county, as well as for the *donum* of the cities and boroughs in their bailliwicks, without the slightest indication of the authority by which these grants were made, or of the circumstances under which they took place. † But in later times, we are certain that the aids or tallages of citizens, burgesses and tenants, in antient demesne, were not imposed by the Parliament or Common Council, but obtained from the cities and boroughs individually, by employing the justices in their *iters*, or by sending special commissioners through the kingdom, to solicit or extort a gift or aid from each city and borough in particular. We have writs of Edward I., thanking the city of London for the liberality of its grants, and appointing commissioners to *ask* a proportional aid from the other cities and boroughs in his demesnes. ‡ This practice was introduced by Henry II., and not entirely abandoned till the reign of Edward II. While it lasted, it is obvious that our kings had no motive to summon their cities and boroughs to the legislature, for the purpose of obtaining money; and therefore, if summoned at all, it is probable that the citizens and burgesses were assembled on particular occasions only, when their assistance or

* Thorpe, Regist. Roff. 32—Great Domesday, 195. 6. 1.
† Madox, Exchequer, i. 694.
‡ Fœdera, i. 815—Brady, Boroughs, 8vo. 58. 66.

authority was wanted to confirm or establish the measures in contemplation by the government.

Those who have derived their notions of the antient state of our cities and boroughs from the mistatements and misrepresentations of Brady, will be inclined to deride our notion of the government deriving influence or authority from places 'scarcely more than country villages, inhabited by low dependent 'tradesmen, of a station little better than servile.' Even Madox, who ought to have known better, tells us with the utmost gravity, that boroughs were 'in their nature plebeian, inhabited by mercantile persons, not exercised in knightly exploits.' But if we look into our antient history with unprejudiced eyes, we shall find that, long before the Conquest, many of our cities and boroughs were, like the cities of Spain during the contest with the Moors, places of strength and importance, inhabited by a martial population, used to arms, and accustomed to take a leading part in the political revolutions of the State. In the wars with the Danes, we frequently find the *Bushwara*, or banghers, the most forward and active against the invaders. Harold I. owed his crown to the northern thegns, and to the citizens of London, in opposition to all the great men of Wessex. Edmund Ironside was elected king by the *witan* and the *bushwara* of London. In the time of Ethelred II., the citizens of Canterbury are mentioned among the suitors or members of the county court. In Domesday, many towns are mentioned that included among their inhabitants persons of the rank of thegns, with privileged jurisdiction. From the same record, it appears that many towns owed military service to the State, both by sea and land; that their inhabitants in some places were associated in gilds, and had common property; and that burgesses, in general, held their lands and tenements in heritage, on paying certain definite dues and rents to their superior lord.

After the Conquest, it is probable that, for some time, the cities and boroughs declined in political importance, though, in many instances, they improved in wealth and population. They were viewed with jealousy, as disaffected to the Norman government; and instead of being entrusted with their own defence, castles were built in every place of note, to bridle the inhabitants. The institution of knight service embodied the great mass of landed proprietors in a martial confederacy, unconnected with the towns, which became the chief protection, and consequently the chief power, of the State. Gradually, however, the principal cities recovered their influence. In the civil wars between Stephen and Maud,—in the dissensions during Richard's absence in the Holy Land,—in the short but important strug-

gles that led to Magna Charta,—in the civil contests that followed,—and in the Barons' wars under Henry III.,—we find the citizens of London, and other towns, acting a part of the first importance. Courted by both sides, but generally espousing the cause of popular principles, they triumphed in its success, and suffered from its failure. Can it be believed, that, where there was so much real power, there was no share of legal authority; that they, on whom the fate of parties depended, were never called to consultation on public affairs? To maintain such a paradox, is to deny the fundamental maxims of our antient constitution, as handed down to us from the highest authority. *Consuetudo est regni Angliæ*, says Archbishop Winchelsey to the Pope, *quod in negotiis contingentibus statum ejusdem regni requiritur consilium omnium quos res tangit.* The expressions are the Archbishop's; but the sentiments were those of Edward I. and his barons, which Winchelsey was instructed to communicate to the Sovereign Pontiff.

The Committee, who seem to have imbibed upon this subject all the prejudices of Madox and Brady, can hardly conceive it possible that the term *nobiles* could have been applied to citizens and burgesses in the time of Henry III. They forget, that the burgesses of the Cinque Ports, and the citizens of London, were addressed as Barons in charters of a much earlier date, and that both are frequently designated by historians as *nobiles* and *optimates*.* From the duties, too, which the citizens both of London and Winchester had to perform at coronations, they might have concluded, that persons of that description enjoyed some consideration in the State; and if they had looked carefully into historians, they would have seen, that before the 49th of Henry III., the citizens of London, at least, had been occasionally convoked to general meetings of the realm, where matters of the highest public interest were under deliberation. During the captivity of Stephen, a Council was held at Winchester, in order to transfer the Crown to the Empress Maud. Deputies from London, *missi a communione Londoniarum*, attended this assembly, and demanded the deliverance of their Sovereign from his prison. The Bishop of Winchester, who presided at the Council, and had put off any decision till their arrival, saying that they were *quasi optimates propter magnitudinem civitatis*, addressed them in reply as *præcipui in Anglia sicut proceres.*† While Richard was in the Holy Land, the Baronage of England, offended with the tyrannical government of

* Gervas. 1584.—Gul. Neubrig. lib. 5. c. 20.—Math. Paris, 700.
† Gul. Malmsb. 106.

the Bishop of Ely, appointed the Mayor and principal citizens of London to meet them at St Paul's; and with their concurrence deposed the chief Minister of the Crown from his office of Chancellor and Justiciary. ‡ In the following year, the Mayor of London was esteemed a person of such consequence, that he was selected as one of the receivers of the money collected for the King's ransom. § After the provisions made at Oxford, in the reign of Henry III., delegates from the Common Council repaired to London, and, calling together the citizens, asked them whether they would obey and stand by the statutes of the Barons? and when they answered in the affirmative, an agreement to that effect was drawn up, and authenticated by the common seal of the city. ‖ In the civil wars that followed, the citizens of London adhered steadily to the Barons; and therefore, we need not be surprised that some of their body were summoned to the Parliaments of the 48th and 49th of Henry III. The writs of summons are lost; but the seal of the Mayor of London, affixed to the ordinances of the 48th, and that of the Mayor and Community to the ordinances of the 49th, appear to us sufficient proofs of the fact. When it is considered how many writs of summons have been lost, which we know for certain must have been issued, the negative argument, from the absence of writs, can in no instance be regarded as conclusive. We shall afterwards find, that the Committee have been too frequently misled by trusting to such evidence.

In considering this question, it may be of importance to draw the attention of our readers to the different modes by which cities and boroughs were antiently summoned to Parliament. The writs of the 49th of Henry III., the earliest of which we have any notice on record, were addressed, not to the sheriffs, but to the cities and boroughs themselves: And if citizens or burgesses were occasionally summoned to Parliaments or great Councils in times still more remote, it was probably done in the same manner. A different mode of summons was introduced by Edward I.; but what appears to have been the more ancient practice was still occasionally resorted to. In the 11th of that prince, a Parliament was held at Shrewsbury, to which citizens and burgesses were called from twenty-two of the principal cities and boroughs of England, not by precepts of the sheriffs, but by writs sent directly to the cities and boroughs meant to be summoned. ¶ The same practice was revived in the great Councils held in the 26th and 27th of Edward III.; to the former of

‡ Hoveden, 399.—Diceto, 664.
‖ Math. Paris, 974.
§ Ibid. 414.
¶ Fœdera, 1. 630, 631.

which ten, and to the latter thirty-eight cities and boroughs were called by special writs. * It is worthy of remark, that none of those Parliaments or Councils were held for the purpose of obtaining pecuniary grants, but for matters of State, or for advice and assistance in framing statutes affecting trade. In the 49th of Henry III., a final agreement was concluded between the King, then in captivity, and his Barons. In the Parliament at Shrewsbury was passed the statute of Merchants; and in the great Council of the 27th of Edward III., the statute of the Staple. It may also be observed, that the Barons of the Cinque Ports were summoned, not through the sheriffs, but by writs addressed to their warden; and from a memorandum in the Exchequer, of the 34th of Edward I., it appears, that they were then classed with the magnates, and not with the knights, citizens and burgesses. †

Want of money for the conquest of Wales induced Edward I., in the 11th year of his reign, to assemble irregular conventions of the Clergy and Commons, without the Nobility, for which writs were issued to the sheriffs, commanding them to return four knights from every county; and from every city, borough, and market town in their bailliwicks, to send two men with full powers to act for the communities they represented. ‡ In the 23d of his reign, when involved in war with France and Scotland, he had recourse to the same method to obtain a supply. The sheriffs were directed to return two knights from every county, and two citizens from every city, and two burgesses from every borough within their bailliwicks, omitting the market towns. § Similar writs have ever since been issued, when citizens and burgesses were summoned to Parliament. Whatever may have been the constitution of the ancient Common Council or Parliament, the 23d of Edward I. is the epoch from which we are to date the origin of our present Legislature.

The writs then and ever since issued to the sheriffs, direct them to return two burgesses from every borough in their respective bailliwicks. This injunction is now restricted and interpreted by usage. But, while we are certain it was never fully complied with, we are at a loss to discover on what principle the sheriffs proceeded in issuing their precepts to certain boroughs and withholding them from others, in accepting the excuses or conniving at the disobedience of one place, while enforcing the attendance of its neighbours. Of more than 90 places mentioned as cities or boroughs in Domesday, 20 have

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* Prynne, ii. 93, 96.
† Brady, Boroughs, App. 26.
‡ Hody, Convocations, 372.
§ Prynne, 2. 33.

never sent members to Parliament at all; and of the remainder, six sent no representatives till after the accession of the Tudors, or the latter years of the house of York. In addition to this list, Willis enumerates more than 100 places, esteemed boroughs under the Plantagenets, which never returned burgesses to Parliament. How came the sheriffs, in disregard of the plain and precise directions of the writs, to omit these places in their precepts? or, if they issued precepts to these boroughs, how came they to pass over in silence such flagrant, uniform, and obstinate disobedience of their injunctions? We are aware that precepts were sometimes issued, to which no answers were returned; that boroughs were at other times excused on account of their poverty and inability; and that one place was discharged from returning burgesses by act of Parliament. But though such examples are not unfrequent, it is impossible, from the decay or casual misfortunes of particular boroughs, to explain, why certain places were exempted, while others of inferior consideration were summoned to attend. Grantham, though a borough of antient demesne, and a town of considerable importance, sent no members to Parliament till the reign of Edward IV. Thetford, Tamworth, Sudbury, all boroughs of antient demesne, had no representatives till the time of Edward VI. and Elizabeth. Newark, recorded as a borough in Domesday, was not imprivileged to send burgesses to Parliament till the reign of Charles II. Pevensey, a borough in Domesday, and place of some importance under the Plantagenets, never sent members at all. Old Sarum, on the contrary, which had fallen into decay before the accession of Edward I., was summoned in the 23d of that Prince, and, ever since the time of Edward III., has been most unremitting and exemplary in the discharge of its parliamentary duties. We have reason to believe, that instructions were sometimes given to the sheriffs to summon a greater number of places than usual; but there is no ground for supposing, that they were ever directed to omit any place that had the name and privileges of a borough.

To solve this difficulty, the Committee have had recourse to the hypothesis of Brady—according to which, cities and boroughs, originally summoned to Parliament, were either of ancient demesne or in the hands of the Crown, when they received their first writ of summons. The Committee appear to have been led to the adoption of this theory, by the analogy of what they suppose to have been the origin of county representation. As knights of the shires were, in their opinion, substitutes for the mass of tenants in chief, so they consider cities and boroughs originally summoned to Parliament, to have been demesnes of the King

or in the King's hands, and liable to tallage at his will. They have ascertained, they inform us, that all the cities and boroughs called to the Parliament at Shrewsbury, in the 11th of Edward I., held immediately of the King, except Chester, which was then accidentally in the King's hands; and they are engaged in searches, not yet completed, with a view, if possible, to ascertain the same fact with regard to all other cities and boroughs, when originally summoned to Parliament. * We apprehend they are mistaken with respect to the Parliament at Shrewsbury, and have doubts of the searches in which they are engaged terminating according to their expectations.

Lynn, in Norfolk, was one of the boroughs called to the Parliament at Shrewsbury. At the time of the Survey, Lynn belonged to the see of Thetford, afterwards Norwich. It was made a free borough by King John, at the request of John de Gray, bishop of Norwich. In the 9th of Henry III. it was held of the bishop, and continued in the see of Norwich till the time of Henry VIII. William de Middletune was bishop of Norwich from 1278 to 1288; and therefore Lynn could not have been in the King's hands in the 11th of Edward I., which was in 1283. Lynn again sent burgesses to Parliament in the 26th of Edward I., when the see of Norwich was again full, Ralf de Walpol having been bishop of Norwich from the 20th of March 1289 to the 15th of July 1299, when he was translated to the see of Ely. ‡

Salisbury was held of the King by the Bishop; and the citizens were demesne men of the Bishop. The bishoprick was full from the 19th to the 26th of Edward I., and yet Salisbury sent two citizens to Parliament in the 23d of that Prince's reign. §

St Albans was held of the Abbot at the time of the Survey; and, till the dissolution of the monasteries, it continued to be a parcel of the possessions of the Abbey. John of Berkhampstead was Abbot from the 18th to the 30th of Edward I.; yet St Albans was summoned to Parliament in the 28th of his reign. ¶

Evesham was part of the demesne lands of the Abbey at the time of the Survey. John of Brakelhampton was Abbot from 1282 to 1316. Evesham sent burgesses to Parliament in the 23d of Edward I. **

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* Report, 189. 321. 377.

‡ Madox, Exchequer, 1. 407.—Anglia Sacra. 1. 412.—Blomefield's Norfolk.—Prynne, 3. 205.

§ Riley, 273–276.—Willis, Notitia, 3. 59.—Math. Westm. 431.

¶ Madox, Exchequer, 1. 759.—History of St Albans.

** History of Evesham, 34.

Tunbridge in Kent, and Bletchingley in Surrey, were held by Richard of Tunbridge at the time of the Survey, from whom they descended to his heirs, the Clares, Earls of Gloucester. Both places sent burgesses to the Parliament at Westminster in the 23d of Edward I. Gilbert, Earl of Gloucester, of whom they held, was summoned to the same Parliament, and died before or soon after its termination. ‡

In the 30th of Edward I. died Richard, Earl of Arundel, seised in demesne of the castle and borough of Arundel, which borough had, seven years before, in the 23d of Edward I., sent burgesses to Parliament. §

Midhurst, which was part of the honour of Arundel, sent members, for the first time, to Parliament, in the 4th of Edward II.; Edmund, Earl of Arundel, being then of age, having been summoned to Parliament in the 34th of Edward I. ‖

Farnham has belonged to the see of Winchester ever since the Survey. Farnham sent burgesses to Parliament in the 4th and 5th of Edward II., Henry Woodlock being at that time Bishop of Winchester. ¶

Before concluding our remarks on the origin of our Borough representation, we cannot help observing, in whatever manner the fact may be explained, how great a proportion of our ancient boroughs are situated in the counties comprehended within the ancient kingdom of Wessex, including Sussex, which at a very early period of the Heptarchy became an appendage on Wessex. Of 162 boroughs (exclusive of cities, ports, and vills) summoned to Parliament before the death of Edward III., 91 were situated within the kingdoms of Wessex and Sussex, the latter having become a dependent province of Wessex long before the termination of the Heptarchy; 49 were situated in Mercia and its dependencies, Kent, Essex, and East Anglia; and 22 in Northumberland. It is probable, from this circumstance, that, whatever were the political rights they enjoyed, the boroughs in Wessex were more numerous than in other parts of the kingdom.

We must now proceed to the disagreeable task of pointing out some of the innumerable negligences and errors that have struck us as most remarkable in the Report. This unpleasant, but necessary duty, we shall endeavour to discharge in as few words as possible.

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‡ Willis, Notitia, 3. 54. 85.—Hasted's Kent, 2. 322.—Manning's Survey, 2. 291.

§ Report, 421.—Willis, 3. 58.

‖ Report, 419.—Willis, 3. 56.

¶ Manning's Survey, 3. 133.—Anglia Sacra, 1. 316.

In page 151, the Committee remark, that 'scarcely any mention of any Parliament in the 49th of Henry III. is to be found in any contemporary historian;' and they instance the Annals of Waverley, as not even noticing 'that any Parliament was assembled in that year.' They are mistaken. The proceedings of the Parliament of the 49th of Henry III. are related with more than usual minuteness in the Chronicle of Dunstable (p. 376); and the statute or ordinance made in it is actually published at length in the Annals of Waverley (216). It is true, that neither of these annalists appears to have been struck with any thing remarkable or unusual in the composition of that assembly; the natural conclusion from which ought to be, that citizens and burgesses had been occasionally called to Parliament in former times.

In page 173, they are puzzled how to account for a Parliament having been summoned to meet in the latter part of January 1273, without a Chancellor to issue writs under the Great Seal. If they had looked to their Fœdera (1. 498), they would have seen, that Walter de Merton was Chancellor on the 29th of November preceding.

In page 191, they represent the statutes of Wales as 'apparently emanating throughout from the King's sole authority;' though the preamble to these statutes distinctly states, that the King having caused the ancient statutes and customs of Wales to be read over before himself and his *proceres*, had altered and amended them *de consilio procerum*.

In page 211, they tell us they have been unable 'to discover for what purpose writs were issued' to the Sheriffs for the election of knights of the shire in the 22d of Edward I., or whether 'any assembly actually met according to the exigency of these writs.' There is no doubt of the assembly having met and granted to the King a tenth of their moveables,—the purpose, probably, for which the writs were issued. The grant and the appointment of Taxers and Collectors to assess and levy the amount, are on the Rolls.

In page 237 they think it *probable* that the knights, citizens, and burgesses, returned to the Parliament held in London on the 2d Sunday of Lent, in the 28th of Edward I., 'did attend that Parliament.' They need be in no doubt about the fact. The writs of expenses are in Prynne. (4. 8.)

They 'have found no trace of any appearance of knights, citizens, or burgesses' in the Parliament held at Lincoln in the 29th of Edward I. (p. 240.) It is nevertheless true, that knights, citizens, and burgesses, appeared and sat in that Parliament. Their writs of expenses are published by Prynne. (4. 16.)

It does not appear, they tell us in page 243, 'whether there 'was any assembly according to the writs, tested at Lewes on 'the 13th of September, in the 30th of Edward I., for the elec- 'tion of knights, citizens, and burgesses. The writs and re- 'turns are not in the bundle of writs.' There are several mistakes here. The writs of summons to which they allude, were tested at Westminster on the 20th of July. The writs of prorogation were tested at Lewes on the 13th of September. The returns are extant, and the lists of members have been published by Prynne. (Brev. Parl. rediv.)

In page 244, the Committee have involved themselves in sad confusion by mistaking St Mathew for St Mathias. The Parliament, of which they have given a most imperfect and perplexed account, met on the Sunday after St Mathias, on the 25th or 26th of February, and sat to the 21st of March, when the knights, citizens and burgesses, were dismissed by proclamation, but ordered to return when sent for. The same, or a new Parliament, was summoned to meet at Westminster three weeks after St John the Baptist; was twice prorogued, and finally assembled on the Utas of the Nativity of the Virgin, when it sat for some time, and transacted business. (Rolls, 159. 182. 267.—Prynne, 4. 19.)

In page 247, they tell us there are two statutes on the statute-roll of the 34th of Edward I., dated the 27th of May, which, according to one of their favourite fancies, they suppose to have been made by the King without the concurrence of his Commons; because they have found no writs of that year 'for 'the election of knights, citizens, and burgesses.' If they had looked into Prynne, they would have found what was better, the writs for their expenses, dated in May that very year. (Prynne, 4. 23.)

In pages 248, 249, and 250, they have succeeded in making a plain matter obscure and unintelligible. The grants, which they consider as 'singular and extraordinary,' were made, in the usual manner, by that very Parliament, the existence of which they have denied. The prelates, magnates, and knights, granted to the King a thirtieth,—the citizens, burgesses, and tenants of demesne, a twentieth of their moveables, *tam ad militiam Edwardi filii regis prædicti, quam ad subsidium defensionis terræ Scotiæ contra Robertum de Brus et ipsius complices inimicos regis.* (Brady, Boroughs, App. 26—29).

In page 257, they express their doubts of knights, citizens, and burgesses, having been summoned to the Parliament at Westminster in the 1st of Edward II., which insisted on the dismissal of Gaveston from the kingdom. They are not aware,

that a stray writ of expenses, due to the knights of Wiltshire, for their attendance on that Parliament, has been published by Prynne (4. 37), from which it appears, that twenty-three pounds were levied on the county for that service. It is probable, from the amount of this sum, that the Parliament, which met on the Sunday in the quintaine of Easter, continued sitting for 51 days. An act, in the form of letters patent, was published on the 18th of May, declaring that Gaveston should, on no account, be permitted to stay in England beyond the morrow of St John's Day; and on the 16th of June he was appointed by the King his lieutenant in Ireland.

In pages 261, 262, and 263, we have a most slovenly and incorrect account of the important proceedings in the 5th of Edward II. From their own blunders and mistakes, the Committee draw an inference, that 'the presence of knights, citizens, 'and burgesses, was not then considered as necessary to consti-'tute a Parliament, especially when no charge was attempted to 'be imposed upon the people.' They suppose, that the knights, citizens, and burgesses, summoned, by writs of the 6th of June, in the 4th of Edward II. to be at Westminster on the Sunday before St Laurence, 'did not attend, or were dismissed, 'though the prelates and barons remained assembled, and the 'King continued the Parliament.' If they had only looked into Prynne, (4. 31.) they would have seen writs for the expenses of these very knights, citizens, and burgesses, for their long attendance in Parliament, from the Sunday before St Laurence (August 6.) to St Denis, a period of 60 days. They would also have seen,—not writs to the sheriffs, 'of the 9th of October, for 'the election of knights, citizens, and burgesses,'—but writs of the 11th of October, commanding the sheriffs to send back to Parliament the *same* knights, citizens, and burgesses, or other fit persons in their room if they could not attend, so as to be at Westminster, at the latest, on the morrow of St Martin, (Prynne, 2. 73). And, lastly, they would have found, in the collections of the same indefatigable compiler (4. 34.) writs for the expenses of these knights, citizens, and burgesses, so reassembled, from the morrow of St Martin to the Sunday after St Lucia, a period of 34 days. The ordinances, which the Committee suppose to have been confirmed in this second session of the Parliament, had been confirmed and ratified in the first session, and promulgated on the 5th of October preceding. Our readers will excuse these minute, and to many uninteresting, details. It is impossible otherwise to correct the mistakes of negligence and precipitancy.

But we have not yet done with the errors of this period.

'The Committee (p. 264) have found no evidence of writs for 'the election of knights, citizens and burgesses, to attend the 'Parliament summoned to meet at Lincoln on the Sunday af- 'ter St Mary Magdalene.' If they have found no evidence, it is their own fault. They might have found in Prynne (2. 74.) writs to the Sheriffs, referring to former writs, which had ordered the attendance of knights, citizens and burgesses at Lincoln on the Sunday after St Mary Magdalene, but countermanding these writs, and directing the Sheriffs to send the knights, citizens and burgesses, so elected, to London on the Sunday after the Assumption (Aug. 20th): And they might have found a memorandum, dated at Westminster on the 28th of August, stating that the knights, citizens and burgesses, so convened, had obeyed the summons; but that on the Monday before the decollation of St John the Baptist (August 28th), they were sent home with orders to return on the morrow of Michaelmas. They might also have found writs of expenses for these knights, citizens and burgesses, *habito respectu ad moram suam diutinam*, dated on the 16th of December following (Prynne, 4. 38.) The civil war then raging in England explains these fluctuating and contradictory orders, which nevertheless show the importance of the Commons at that period, and the desire of the King to have their advice and assistance in composing the disturbances of his realm.

The Committee, as usual, have found no writs for the election of knights, citizens and burgesses (p. 266) to attend the Parliament summoned at Westminster on the Sunday after St Matthew, in the 7th of Edward II. The writs are nevertheless published by Prynne (2. 76.)

Because 'no rolls of the proceedings of the Parliament' summoned at York in the 8th of Edward II. 'are inserted in the printed collection,' the Committee conjecture, 'that there may 'have been no meeting in pursuance of the writs,' (p. 267.) The Committee might have saved their conjecture. The writs of expenses for this Parliament are in Prynne, (4. 39.)

They infer (p. 271) from the Rolls, that the Parliament which met at Westminster on the 20th of January, in the 8th of Edward II., continued to sit till after the 7th of July. They have been misled by trusting to the running title of the printed edition of the Rolls. The latest date referrible to this Parliament, is of the 27th of February.

They suppose (p. 277) that the Parliament which met at Lincoln on Tuesday in the quintaine of St Hilary, in the 9th of Edward II., either continued to sit till the feast of St James, or that it met a second time at the feast of St James, on prorо-

gation. They are mistaken in both conjectures. The Parliament that met on Tuesday in the quintaine of Hilary, was dissolved on the 17th February. A great Council was then held at Westminster, which met on the 26th of April, and sat till the 29th of May. A Parliament was then convoked at Westminster on the 13th of June, which sat till the 27th of June. And, lastly, writs were issued to recal the knights who had sat in that Parliament, or to have others chosen in their place, to meet at Lincoln on the Thursday after St James (22d of July): And this, which was the second Parliament at Lincoln within the year, continued to sit till the 8th of August, (Prynne, 4. 43–50.) These corrections to some of our readers will appear trifling; but there is such an apparent anxiety in the Report to be exact in the most minute particulars, that, where the Committee have erred, they will forgive us for correcting their mistakes.

The Committee have found no evidence of writs for the election of knights, citizens and burgesses, in the 11th of Edward II. (p. 277.) The writs they have been unable to find are referred to by Prynne, (2. 77.)

They tell us there are no writs on record for the convocation of Parliament a month after Easter, in the 12th of Edward II. (p. 278.) They are mistaken. The writs are published and referred to by Prynne, (1. 23. & 2. 77.)

They have not found (p. 284) any writs for the election of knights, citizens and burgesses, to attend the Parliament which met at Westminster three weeks after Candlemas, in the 17th of Edward II.; and, from no mention of the Commons in a statute of that Parliament, they conclude, 'that even at that time 'it was not distinctly understood, that to make a law on every 'subject the assent of the Commons was necessary,' (p. 285); and yet, when they find the substance of that statute circulated throughout England in writs to the Sheriffs, they infer that this precaution was taken 'to supply the want of authority in a 'statute made by the King and Lords, without the concurrence 'of the representatives of counties, cities and boroughs,' (p.286.) It is unnecessary to make any remarks on the consistency of these opinions. It is sufficient to observe, that the writs of summons for knights, citizens and burgesses to this Parliament have been published by Prynne (2. 78), and that the writs for their expenses are given by the same author (4. 62); from which it appears, that they sat for 24 days.

We have now followed the Committee through the reigns of the two first Edwards, and trust we have pointed out errors in their Report, sufficient, in number and importance, to induce them to undertake a calm and deliberate revision of their work.

We consider ourselves greatly indebted to them for their labours; but have deeply to lament, that so much industry has been conjoined with such negligence,—that so much unnecessary caution on some topicks has been accompanied with such rashness of assertion on others,—and that so many sound and liberal views respecting our antient Constitution have been obscured by prejudices from the school of Brady, and other enemies of popular rights. We know of no way to reconcile these inconsistencies, unless on the supposition, that the Author of the Report is a young adventurer in the paths of constitutional antiquities, who brings with him to the pursuit an active mind, exercised in subtile and minute investigations, but who is still dazzled with the novelty of the scenery, and not yet sufficiently acquainted with the region he attempts to explore, to know in what quarter to direct his steps, or on what objects to fix his attention,—while his judgment is warped and perverted by the false and prejudiced accounts he has perused of former travellers, on whom he obstinately pins his faith, in opposition to the evidence of his own senses.

Art. II. 1. *Almanach des Gourmands; Servant de Guide dans les moyens de faire excellente Chère.* Paris. 8 Tom.

2. *Chimie du Gout.* Paris. 1 Tom.

3. *Manuel des Amphytrions.* Paris. 1 Tom.

4. *L'Almanach Comestible.* Paris.

5. *Cours Gastronomique.* Second Edit. Paris, 1809.

6. *La Gastronomie, Poëme didactique.* Par Berchoux. Paris. 4trieme Ed. 1805.

7. *Dictionnaire de la Cuisine.* Paris, 1814.

8. *Apicius Redivivus, or the Cook's Oracle.* Second Edit. London, 1818.

9. *Peptic Precepts.* London, 1821.

10. *Tabella Libaria.* London, 1820.

We take blame to ourselves for not bringing the subject of these interesting publications oftener before our readers; being well aware of the truth of Dr Johnson's profound remark, that 'there are few things of which a man thinks so seriously as his dinner,'—and that the pleasures of the table are

the first we enjoy, the last we leave, and those we taste oftenest.

We were half tempted to touch on this subject in our recent examination of the Comparative State of Science in England and France; but, on consideration, we felt that justice could not be done to it, except in a separate article.

The entire superiority of our neighbours in the arts of cookery and dancing, has been very long established, in their own estimation—and, indeed, is very generally admitted: and modern philosophers seem pretty clearly of opinion, that the latter perfection is very much a consequence of the former. The Revolution, indeed, is supposed to have robbed them of this proud preeminence. The iron reign of Bonaparte nearly destroyed the rising generation of cooks; and although there are some veterans, whose green old age has weathered the storms of the times, a lamentable number of those who, in the order of nature, should have supplied their places, have themselves furnished food to the Eagles of Russia and Spain: while the conscription must have materially affected the advancement of an art which requires so long and so assiduous an apprenticeship. ‡

It is now, we believe, generally admitted, that the best served tables in this country are at least equal in every respect to the best served tables of France; but this, we candidly confess, is no sure or sufficient test of our national superiority: For though our superior riches, increasing luxury, and less severe domestic troubles, may allow some few to devote their whole minds to the science, and thus advance before the age in which they live; in general knowledge of the art, it is to be feared that we are far behind our neighbours. On a review of the esculent productions of this country and France, the balance may at first sight appear to be in our favour: But the cheapness of most of the articles of luxury in France renders them far more accessible; while their numerous kinds of fine fruit and vegetables enable them, at a small expense, to give a greater variety to their repasts. In England nothing is cheap. The first of our artists regard economy with disdain; and he who will have a good dinner must pay for it. In France, however, it is otherwise. Valere, in *L'Avare*, says, ‘ Voilà, une belle merveille que de faire bonne chère avec bien

‡ In the article of portable soup (the constant food of the French soldiers), perhaps the art of cookery owes something to French wars, and French armies. ‘ *C'est la soupe qui fait le soldat,*’ is a well known saying in France.

de l'argent! c'est une chose la plus aisée du monde. Mais pour agir en habile homme, il faut parler de faire bonne chère avec peu d'argent.'

Amongst French writers the science of eating has always held a much more distinguished rank than with us, and makes no slight figure in almost all the branches of their literature. Voltaire has declared, that the fate of nations very often depends on the good or bad digestion of a prime minister; and in most of the French novels, the pleasures of eating are dwelt upon; and, even in the most pathetic parts, the heroines often descant on them, much in the tone which we should expect in the daughter of a London Alderman.

' Quelle est en France,
O diner! ton importance, quelle est ton influence!' &c.

We doubt whether any thing approaching a true *gourmande* can be found in any of our female characters, unless Black George's evidence of Sophia Western's being fond of the eggs in roasted pullets is to be considered as a testimony in her favour. Milton, however, shows he had the clearest conception of the theory of the art, when he speaks of Eve

——' on hospitable thoughts intent
What choice to choose for delicacy best,
What order so contrived as not to mix
Tastes not well join'd, inelegant, but bring
Taste after taste upheld with kindliest change.'

In discussing the pleasures of the palate, we may boldly claim for the culinary art, not one only, but two, of the five senses, from which, according to the best logicians, our whole stock of ideas is derived. (' Omnis idea ortum ducit a sensibus.') In fact, a little reflection, we are satisfied, will show, that the sense of smell has a most important part in the pleasures to which the *coquus magnus* and the butler administer; being that sense from which every viand, solid and liquid, derives what is emphatically called its *flavour*. Flavour—derived, as etymologists agree, from *flare*—signifies the rarified essence of bodies, which, while held in the mouth, and by their grosser particles affecting the organ of taste, ascends, by the *posterior nares*, to the olfactory nerves, and thus, at the same time, under Mr Crabbe's favour, (see his Synonyms, article *Taste*, affects the organ of smell. According to vulgar use, accordingly, nothing is said to have flavour which has not smell. In fruits, the gooseberry and currant have taste, the pine apple and melon flavour. In condiments, sugar has taste only, but spices have flavour. The flavour of well kept game is perceived before it enters the mouth:—reduce it to extreme

freshness, by means of powdered charcoal (an experiment not unknown to thrifty housekeepers), and you deprive it of all flavour. The same effect is produced *quoad* the consumer, by a cold which disorders his organs of smell. His practised taste will still enable him to distinguish venison from pork or chicken; but, alas! it matters not to him whether it was brought in yesterday from the chase, or whether it has been judiciously kept to that stage of perfection which lies 'just on the verge of all we hate.' Again, the wine-merchant judges of the flavour of wine by the *bouquet*, and deliberately stirs it in the mouth to aid the escape of the volatile particles, keeping the passage to the olfactory nerves open for their transmission. Many a child has facilitated the gulping of a nauseous dose, by pressing the nose so as to obstruct the ascent of the fetid *aura*; but he will find little benefit from this ingenious device, if he has recourse to it in swallowing castor oil or magnesia,—very nauseous potions certainly, but absolutely inodorous.

We shall not stop to inquire why the odour which (as in the instance of Cheipzegar cheese) is certainly too powerful when it reaches the nerves by the exterior meatus, should to many prove so agreeable when applied to them from within. We touch lightly, indeed, on the whole of this delicate subject, and wish rather to leave our theory to be extended and improved upon by others, than to exhaust a theme which may yet prove the basis of many a great reputation.

It is natural to conjecture, that the art of cookery engaged the attention of all ages. According to Le Clerc, however, the world being created in the autumn, when the fruits were ripe, man had little occasion, while in Paradise, for culinary knowledge; and Pegge observes, that even after he was driven from that blissful abode, the use of animal food was not permitted, but was only allowed to us by an enlargement of our charter after the flood.

It is probable that the Greeks derived something of their skill from the Eastern nations, and principally the Lydians, whose cooks were much celebrated in Athens,—and something from Egypt. A few hints on the subject of cookery are to be collected from Homer, and more from Aristophanes; but it appears that afterwards they had several native writers on the art, who are noticed in Athenæus; and the cook was certainly considered among that polite people as a person of great consideration. As to the Romans, they of course borrowed much of their culinary skill, with the other fine arts, from the Greeks. In later times they also had many authors on the subject, and the practi-

tioners were men of science; but their works are unfortunately all lost, except that which goes under the name of Apicius, written, as it is supposed, about the time of Heliogabalus by one Cœlius. Though worth little, it has been illustrated by the notes of *Humelburgius*, *Torinus*, *Barthius*, *Almeloveen*, and *Dr Lister*.

We do not propose, however, to enter into so vast a field of discussion as the state of the *Ars coquinaria* amongst the Greeks and Romans: whoever is inclined to do so, will find much curious matter in the works above mentioned, and particularly Dr Lister's learned and amusing preface and notes. Besides these, the manner in which the subject has been treated by Smollet, must be in the recollection of all our readers.

The aboriginal Britons, little better than barbarians, without oil and perhaps butter, with little corn, and, from superstition, not eating hares, hens, geese, &c., nor fish, could have made little progress in the art of cookery; and Strabo asserts they had no cheese. The Danes have always had the credit of importing hard drinking into this country, and also *gormandizing*; which word by some (absurdly enough) is derived from *Gormund*, a Danish king, who was persuaded by Alfred to be baptized. After the Conquest, the English, it is observed by Lord Lyttleton, generally accommodated themselves to the Norman manners, except in point of temperance: But in eating and drinking they communicated to the Normans their own habits of drunkenness and immoderate feasting. *Erasmus* also remarks, that the English, in his time, were attached to plentiful and splendid tables. Both *William* the Conqueror and *Rufus* gave grand entertainments. William was remarkable for a large paunch; and was at once so nice in his eating, and so irritable in his temper, that on being served by his prime favourite (who was master of the *Cury*) with an underdone crane, he would have knocked him down, but for his *Dapifer*, who fortunately warded off the blow.

The offices of *Dapifer*, *Lardrenius*, *Magnus Coquus*, *Coquorum præpositus*, and *Coquus regius*, were, in the palaces of princes, all of considerable dignity: that of *Lardrenius* was often occupied by a clergyman, who was sometimes advanced from it to the Bench. Cardinal Otto, the Pope's Legate, being at Oxford (1238), his brother (his *Magister Coquorum*) was killed in an affray with the students: the reason, however, assigned for his holding this office, was, '*ne procuraretur aliquid veneno-*' *rum, quod valde timebat Legatus.*' Many of the ancient officers, such as Yeomen of the Mouth *(prægustatores)*, form part of the King's present household; but it is believed that their services are dispensed with, and their places, like many others,

retained for the salary and the patronage. Cardinal *Campiggio*, when in this country, about the divorce of Queen Catherine, amused himself by writing a comparison between the Italian, French, and English Cookery. Whether Signior *Cochi*, the Italian cook, who was lately in this country about the divorce of Queen Caroline, may, on his return, amuse himself in a similar manner, is a matter of curious speculation.

The clergy carried the luxury of the table to such a height, that Archbishop Cranmer (1541), found it necessary to restrain the growing evil by sumptuary laws. But although the importance of cookery is not one jot abated as a science, and is still understood to be particularly studied by the clerical order, its glories must certainly be considered as on the wane; and no *Larderer* must ever again hope to wear lawn sleeves. In olden times, the arts of cookery and of medicine were considerably allied, (*Culina Medicinæ famulatrix*); but they have been long too much separated; and we are glad to see Drs Hunter and Kitchener coming forward, and not ashamed to claim kindred with the poorer relations of their family. Count Rumford also deigned to apply himself to certain branches of the culinary art; and we trust that, ere long, the discoveries of the new President of the *Royal Society* may throw some farther light on this interesting science.

Most of the facts we have now noticed, we have gleaned from Mr Pegge's Preface to the '*Forme of Cury*' (*Curare*) a *roll of ancient English Cookery, compiled about* 1390, *by the Master Cooks of Richard the II.* From this roll, it appears that many articles were used in the 14th century, not now in vogue, as cranes, herons, *seals*, *porpoises*, *(porc pisce)*, &c.; whereas, on the other hand, neither quails, woodcocks, snipes, &c. are noticed. We cannot, after an impartial perusal of the Form of Cury, but be satisfied that our present system is a considerable improvement on the wisdom of our ancestors. Their cooks, however, had great regard to the eye; and the directions for *flourishing*, *strewing* and *painting*, are as numerous as for the compounding of the articles; and the remains of this taste may be observed in the various coloured sugar-plums and comfits which ornament the *plateaus* of the present day. The messes and dishes in the Form of Cury, and similar old MSS. are chiefly soups, pottages, hashes, &c. It is plain, indeed, that our ancestors in the days of Richard the II. lived much after the French fashion; and it is only in more modern times, (about Henry VIII.), that the *roast beef* of Old England appears to have taken its part in the formation of the national character. Indeed, as far as we

can collect, it was about this period that a material change took place in our culinary tastes. Henry himself was much addicted to the pleasures of the table; and as Mark Anthony endowed his cook, who dressed a supper to Cleopatra's good liking, with a corporate town, Henry was not ashamed to be his humble imitator, in parcelling out one of the Crown manors as a reward to a lady who had compounded a pudding, which particularly pleased his taste.

Amongst many choice collections of '*Compleat Cooks*,' '*Closets opened*,' &c. which we have examined in the hopes of discovering some choice morsel for the regale of our readers, we found the following curious account of '*Triumphs and Trophies in Cookery, to be used at festival times.*' It is prefixed to the '*Accomplished Cook of Robert May*, 1664,' a gentleman of great eminence in his time, who received his culinary education at the Court of France, as appears by a biographical memoir which accompanies his book. After giving directions for a 'preparation in paste of an artificial ship, and a castle with battlements, portcullisses, drawbridges, &c. with guns, and a train of *gunpowder* to communicate with them,' 'a paste *stag* is to be made, and placed on the table between them, all to be gilt and ornamented with flags, &c.; his body is to be filled with claret wine, and a broad arrow stuck in it; and on each side of the stag two pies are to be served, the one filled carefully with *live frogs*, and the other with *live birds*; the whole to be garnished round with egg shells deprived of their meat, and filled with rose water. The trains are to be let off, and the ship and castle are daintily to fire at each other in mimic battle; but before this, it is to be so ordered that some of the ladies may pluck the arrow out of the stag, and then will the claret wine follow as blood running out of a wound. This done, to sweeten the stench of the powder, let the ladies take the egg shells full of sweet waters, and throw them at each other. All danger being seemingly over by this time, you may suppose they will desire to see what is in the pies; when, lifting first the lid off one pie, out slip some frogs! which makes the ladies to skip and shriek! next after, the other pie; whence comes out the birds, who, by a natural instinct flying at the light, will *put out the candles*; so that, what with the flying birds and skipping frogs, the one above, the other beneath, will cause much delight and pleasure to the whole company! At length the candles are lighted, and a banquet brought in; the music sounds; and every one, with much delight and content, rehearses his actions in the former passages.'

Such were formerly the delights of the nobility, before good housekeeping had entirely left old England! Our tastes, however, are so degenerate, that few, we fear, would now have courage to assist at one of these triumphs. Those who are half

suffocated at the explosion of a few ounces of powder at the storming of a castle at Drury Lane, would scarcely escape alive from the representation of two of these *Trophies of Cookery*. The smoke of the gunpowder, the claret like blood from a wound running all over the table, the hopping about the room of a pie full of frogs, the natural instinct of the birds so amusingly putting out the candles, and the eggs and rose-water whizzing about, must have been an admirable whet to the appetite, particularly to those who had the fortune to be in the good graces of some fair lady, and to have four or five eggs full of rose-water flung in their faces. We half suspect, such is the change of manners, that there are some young officers of the present day who would rather have spent half an hour at Waterloo, than partake of such a 'merrie conceite' as Mr May has here described.—But to return to the French.

It was from the Italians (who may be supposed to have inherited the relics of Roman luxury), that these masters of the art first learnt the principles of Cookery, the growing luxury of which was curtailed by frequent sumptuary laws. Montaigne, who terms good eating 'la science de la gueule,' speaking of one of the Italian cooks of the court of Catherine de Medicis, * says—

'Je lui faisoy compter de sa charge. Il m'a fait un discours de cette science de gueule, avec une gravité et contenance magistrale, comme s'il m'eust parlé de quelque grand poinct de Theologie. Il m'a déchiffré une difference d'appetits: Celuy qu'on a à jeun, qu'on a après le second et tiers service; les moyens tantost de l'eveiller et picquer; la police de ses sauces, premierement en général, et puis particularisant les qualitez des ingrediens et leurs effects: les differences des salades selon leur saison, celle qui doit estre reschauffée, celle qui veut estre service froide, la façon de les orner et embellir, pour les rendre encores plaisantes à la veue. Après cela il est entré sur l'ordre du service, plein de belles et importantes considérations: et tout cela enflé de riches et magnifiques paroles; et celles mesures qu'on employe à traiter du gouvernement d'un empire.' The French, however, have long since surpassed their masters, the state of cookery in Italy being now in a miserable state.

The regency of the Duke of Orleans, and the reign of Louis XV., were more favourable than any other to this science in France. The long peace which followed the treaty of Utrecht, —the large fortunes amassed by the abuses in the financial system, and which, at last, caused the ruin of the State,—the vo-

* It is established beyond all question, that *larding* was never practised at Paris till introduced by the Florentine cooks of Catherine de Medicis.

luptuous life of a monarch, less occupied with the love of glory than the enjoyment of selfish pleasures,—the character of the courtiers, more devoted to sensuality than wit,—and the frequent orgies of the regent;—all combined to give an importance to the pleasures of the table. The following extract from the Letters of Madame de Sevigné, shows the elevated sentiments which animated the breasts of the cooks of her time. At a grand entertainment given by the great Condé to Louis XIV., by some unforeseen accident or miscalculation, the rôti was wanting at some of the inferior tables. Vatel, the Prince's maître d'hotel, took this so much to heart, that the Prince himself condescended to visit him in his bed, to administer consolation. 'Vatel, lui dit-il, tout 'va bien; rien n'était plus beau que le souper du Roi. Il répon- 'doit, Monseigneur, votre bonté m'acheve: je sais que le rôti 'a manqué à deux tables!' A greater and more fatal misfortune, however, awaited this conscientious and devoted person, in the non-arrival of the fish the next day; but we shall give Madame de Sevigné's words.

'A quatre heures du matin, Vatel s'en va partout; il trouve tout endormi. Il rencontre un petit pourvoyeur qui lui apportait seulement deux charges de marée; il lui demande: "Est-ce là tout?—Oui, Monsieur." Il ne savait pas que Vatel avait envoyé à tous les ports de mer. Vatel attend quelque temps; les autres pourvoyeurs ne vinrent point; sa tête s'échauffait; il crut qu'il n'y aurait point d'autre marée. Il trouve Gourville; il lui dit: "Monsieur, je ne survivrai point à cet affront-ci." Gourville se moqua de lui. Vatel monte à sa chambre, met son épée contre la porte, et se la passe au travers du cœur; mais ce ne fut qu'au troisième coup, car il s'en donna deux qui n'étaient pas mortels, qu'il tomba mort. La marée cependant arrive de tous côtés; on cherche Vatel pour la distribuer; on va à sa chambre, on heurte, on enfonce la porte; on le trouve noyé dans son sang. On court à M. le Prince, qui fut au désespoir. M. le Duc pleura; c'était sur Vatel que tournait tout son voyage de Bourgogne. M. le Prince le dit au Roi fort tristement. On dit que c'était à force d'avoir de l'honneur à sa manière. On le loua fort, on loua et blâma son courage....'

We think this anecdote very creditable to the French professors of cookery; and conceive it to be fairly on a par with some of the most heroic passages of Roman story. It is amusing, indeed, to find that the deaths of heroes and of cooks are felt for by princes much in the same manner; 'on loua et on blâma son courage,' are the very words applied by Bonaparte, in his zenith, to one of his bravest and most successful generals.

As yet, cookery in this country as a science must be considered as in its infancy; and, until the Culina of Dr Hunter, already

noticed by us, and the more recent work of Apicius Redivivus, which is understood to be the patriotic production of Dr Kitchener, although we could boast of more than two hundred volumes relating to the subject, there were but few that had any pretensions to literary or scientific fame. We have had the good luck, however, to fall in with one English treatise, which is certainly composed in a style suitable to the grandeur and dignity of the theme. We allude to 'The Practical Cook, or New System of the Art 'and Mystery of Cookery, &c. by Charles Carter, lately Cook 'to the Duke of Argyll, the Earl of Pontefract, the Lord 'Cornwallis, &c. &c.' published in a handsome quarto volume in 1730. The author professes, indeed, to deal chiefly in the Epic or heroic style of cookery, and to have devoted himself mostly to the study of 'the grand and sumptuous part of his science,'—though, as he judiciously observes, 'it will be easy 'for an accomplished cook, when he is well instructed in the '*higher* parts of his profession, *to lower his hand* at any time; 'and he that can excellently perform in a *Grand* and *Courtly* 'manner, will never be at a loss in any other.' The loftiness of his sentiments, however, and his high sense of the dignity of his art, will appear better from what follows.

'For these reasons, it appears to me as clear as the sun, that if gentlemen were made a little acquainted with some of the sovereign rules of this *noble* art, they would the less depend upon the unartful management of a dark proceeding, and often ignorant *juggler*, who, under the cloak of reserving to himself the secrets of his profession, is only affecting a sullen, and perhaps a saucy preeminence in his way, to conceal his ignorance; which, were it once discovered, his noble master would not, for the sake of saving a few pounds per annum, reject a thorough-pac'd artist, and suffer a raw and perhaps *tavern-bred dabbler* in the science, to waste and destroy the most costly ingredients to no manner of purpose; and so, of consequence, a due value would be put upon the *thorough-bred artist*.—And, indeed, it was always my opinion, and I have had reason, on many occasions, to confirm it to be right, that in all occupations that pursue an *honest* and fair intention, the less of *mystery* the operator assumes, the more pleasure he gives his principal, and the better gratification he reaps himself.'

The most sublime and characteristic passage, however, is the following.

'These reasons will excuse me to my Brethren for exploring the *Mysteries* of a profession, that must be the more valu'd, the more 'tis known.—And, indeed, the kind reception my endeavours to please my several Noble masters, whom I have served *abroad*, as well as at home, and who have been pleased to prefer me to the cooks of other nations, merits my most grateful returns.—Particularly, I pride my-

self in the satisfaction I have given to the brave and hospital General Wood, whom I had the honor to serve in some of his *glorious campaigns* in Flanders, and who inspired me to emulate, in my mean way, as much to surpass a *French Cook*, as he did a *French General*—As, also, in the pleasure I had the honor to give the excellent Lord Whitworth in several of his splendid ambassies, particularly to Berlin, the Hague, &c. &c.; as also to Esquire Poley, formerly Envoy from the Crown of England to the illustrious Court of Hanover; and to his excellency General Wade in Spain and Portugal, about the year 1710—And in the honor I have had in serving his Grace the Duke of Argyll at home, as well as my noble Lords Pontefract, Lempster, Cornwallis, and other truly noble Peers, whom I might presume to enumerate:—All which has given me opportunities to get an insight into the customs and modes of different nations, and to chuse, with some distinction, from all, what might gratify the most elegant and various tastes: To say nothing of the foundation given me by my late Father, (to which, however, I am most indebted), who was excellent in this profession, and had extracted *the quintessence of the art*, from a *long race of predecessors*, all practical Cooks of some eminence!'

The progress of the French is sufficiently shown by the nature of the works noticed at the head of this article, selected almost at random from a considerable number, each having its peculiar merit. The Almanach des Gourmands, however, is the most important of these productions; and, as such, we shall first notice it. The work has reached eight volumes; but it is only in the earlier ones that the general reader will find much amusement. The contents of the remaining volumes are confined principally to the furnishing practical information, and notices respecting new discoveries. The first volume contains a very spirited and scientific sketch of the nature and character of the different viands and productions furnished to the table of the Parisian Epicure. We shall commence our extracts with the author's definition of a Gourmand.

'S'il faut en croire le Dictionnaire de l'Académie, *Gourmand* est synonyme de Glouton et de Goulu, et *Gourmandise* est de Gloutonnerie. Il nous semble que cette definition n'est point rigoureusement exacte; qu'on doit réserver les epithètes de Glouton et de Goulu pour caractériser l'intempérance et l'insatiable avidité, et que le terme de Gourmand a reçu, depuis quelques années, dans le monde poli, une acception beaucoup moins défavorable, osons même le dire, beaucoup plus noble.

'Le Gourmand n'est pas seulement l'être que la nature a doué d'un excellent estomac et d'un vaste appétit; tous les hommes robustes et bien constitués sont dans ce cas; mais c'est celui qui joint à ces avantages ce goût éclairé dont le premier principe réside dans un palais singulierement délicat, mûri par une longue expérience. Tous

les sens doivent être chez lui dans un constant accord avec celui du goût, car il faut qu'il raisonne ses morceaux, même avant que de les approcher de ses lèvres. C'est dire assez que son coup-d'œil doit être pénétrant, son oreille alerte, son toucher fin et sa langue capable. Ainsi le Gourmand que l'Académie nous point comme un être grossier, est au contraire par état un personage doné d'une extrême délicatesse; la santé seule chez lui doit être vigoureuse.

' Mais ce seroit une erreur de croire que cette attention continuelle que doit porter un Gourmand sur toutes les parties de l'art alimentaire, vers lequel ses sensations sont exclusivement dirigées, en fasse un homme matériel et borné. Il nous paroît au contraire qu'il a plus que tout autre des ressources pour se rendre aimable et se faire pardonner par les hommes sobres, assez ordinairement envieux, la supériorité de son goût et de son appétit.'

The following may be considered as a fair specimen of the style of the descriptions.

' *Le Veau*—Plein d'une aimable condescendance, se prête à tant de metamorphoses, que l'on peut, sans l'offenser, l'appeler le caméléon de la cuisine. Il est peu d'animaux qu'on nous présente sous plus de formes diverses.

' *Du Cochon*—Le merite du cochon est si généralement reconnu; son utilité en cuisine est si profondement sentie, que son panégyrique est ici superflu. C'est le roi des animaux immondes, c'est, celui dont l'émpire est le plus universel, et les qualités le moins contestées: sans lui point de lard! et par consequent point de cuisine: sans lui point de jambons, de saucisses, point d'andouilles, point de boudins nous, et par consequent point de charactiers. Les médécins ont beau dire que sa chair est indigeste, pesante et laxative; on laisse crier les médécins, qui seroient bien fâchés qu'on les écoutât, car le cochon est, sous le rapport des indigestions, l'un des plus beaux fleurons de leur couronne. Les juifs, d'un autre côté, ont beau regarder le pore avec horreur; quoique beaucoup de chrétiens d'aujourd'hui soient de véritables juifs, tous n'en mangent pas moins des boudins et des andouilles. Enfin, quoique la cochonaille soit beaucoup meilleure à Lyon et à Troyes qu'à Paris, ce quitient à la personne de l'animal, plutôt qu'au talent de l'artiste; nos charactiers sont venus à bout de triompher de tous les obstacles, et de varier leurs compositions, de manière à se placer au premier rang dans l'art de faire prendre au cochon les formes les plus multipliées, les plus savantes et les plus exquises.

' La nature a si bien arrangé les choses, que tout est bon dans un cochon, et que rien n'en est a rejeter. Les arts disputent à la cuisine l'honneur de tirer parti de ses depouilles; et si M. Corpe et M. Jean (deux des premiers charactiers de Paris), doivent leur fortune à sa chair, le poil de son dos est devenu le premier instrument de la gloire de Raphaël, et n'a point été inutile à celle de Rameau, &c. &c.'

The goose, in France, does not hold nearly so distinguished a

rank as in England, being there as '*un rôti bourgeois*,' yet its liver is the main ingredient of one of the most important productions of that country. Those who are not already acquainted with the following account, will feel something besides surprise on perusing it.

'*De l'Oie*—Mais ce qui mérite à l'oie toute la reconnoissance des véritables gourmands, ce qui lui assine un rang très-distingué parmi les volatiles, ce sont ses foies dont on fabrique à Strasbourg ces pâtés admirables, le plus grand luxe d'un entremets, et dont nous avons dit précédemment un mot. Pour obtenir ces foies d'une grosseur convenable, il faut sacrifier la personne de la bête. Bonnée de nourriture, privée de boisson, et fixée près d'un grand feu, au-devant duquel elle est clorrée par les pattes sur une planche, cette oie passe, il faut en convenir, une vie assez malheureuse. Ce seroit même un supplice tout-à-fait intolérable pour elle, si l'idée du sort qui l'attend ne lui servoit de consolation. Mais cette perspective lui fait supporter ses maux avec courage; et lorsqu'elle pense que son foie, plus gros qu'elle-même, et larde de truffes, revêtu d'une pâte savante ira par l'entremise de M. Corcellet porter dans toute l'Europe la gloire de son nom, elle se résigne à la destinée, et ne laisse pas même couler une larme!'

It is but justice however to remark, that this mode of fattening geese in France, is not frequently resorted to. The more usual practice to procure those large livers, the grace and ornament of good tables, is by shutting the animal in a box so small that it cannot turn round, and then cramming it with soaked maize and poppy oil, allowing water *ad libitum*. They are kept in a cellar, (darkness being favourable, as it prevents all distraction, and directs the whole powers to the digestive organs). The practice, however, varies considerably amongst the different practitioners in the fattening trade, two amongst an hundred scarcely adopting the same plan. Few now think it necessary to put out the eyes; and even those do not do so till a few days before their death. The geese of *Alsace*, who are fattened on the most humane, as well as the most approved principles, under the above noticed treatment acquire a prodigious fatness, which may be called an oleaginous dropsy, the effect of a general atony of the absorbents, caused by want of exercise, combined with succulent food crammed down their throats in an under oxygenated atmosphere. (See article Food, Suppl. Enc. Brit.) A practice very similar to this is adopted by the fatteners of fowls for the London market, who shut them up in the dark, and cram them with a paste made of barley meal, mutton suet, treacle and milk. Under this regimen, they are what is technically termed *ripe* in a fortnight; and, if kept longer, the fever induced by this state of repletion renders them red, and fre-

quently kills them. (See Agricultural Report of Berkshire.) But to return to our *Almanac*.

' *Du Dindonneau*—Le dindonneau, qui commence dans ce mois à voler de ses propres ailes, est un rôti d'autant plus honorable, que l'absence du gibier rend sa présence précieuse. Mais c'est manger son blé en herbe que d'égorger ces aimables adolescens, un lieu de songer à les engraisser, pour les servir dans la force de l'âge. Nous devons même ajouter, pour nous opposer autant qu'il est en nous à ces infanticides que le meilleur des dindonneaux—

" Est aimé par l'orgueil plus que par la Nature, "

car il flatte beaucoup plus la vanité par sa présence, que le palais par son fumet. Pour le rendre plus appétissant, on le sert presque toujours pique: affront que l'on n'a jamais songé à faire à la dinde, et qu'elle ne souffriroit même pas.'

We shall now give our readers one or two specimens of the description of the different months in the calendar of the gourmand.

' *Aout*—Le mois d'Auguste n'est guères plus favorable à la bonne chère, qui celui de Jules-César: aussi la plupart des gens riches vont-ils alors dans leurs terres; les tables de Paris sont renversées, et les parasites font diète. Cependant les lapereaux commencent a devenir lassins, les perdreaux perdrix, et les levrauts se changent en lièvres; mais ne les arrêtons point dans leur croissance. Les jouissances prématurées sont toujours, et dans tous les genres, des jouissances imparfaites. Laissons ces animaux aimables vivifier nos champs et nos forêts, en attendant qu'ils alimentent nos tables: nous saurons toujours bien les retrouver, car rien n'échappe à l'active industrie de l'homme: alors un levraut, devenu trois-quarts, remplira convenablement un plat de milieu, et n'aura pas besoin.

' Qu'un long cordon d'alouettes pressées,
Et sur les bords du plat six pigeons étalés,
Présentent pour renfort leurs squelettes brûlés,

lui servent d'accompagnemens, comme dans le fameux repas de Boileau, que tout amateur de bonne-chère doit étudier avec soin, pour éviter d'en donner un semblable.

' Cependant si quelques-uns de nos lectures, trop pressés de vivre, vouloient absolument manger leur blé en herbe, et faire entrer à toute force ces enfans dans leur cuisine, il est de notre devoir de leur indiquer la meilleure façon, de les produire sur leur table.

' *Novembre*—Les campagnes se dépeuplent; les vents, les pluies, et les gelées qui commencent, et les feuilles qui tombent, ramènent insensiblement tout le monde à la ville, et dès la S. Martin, tout ce qui appartient à la classe respectable des Gourmands s'y trouve réuni. Cette fête est vraiment celle de la bonne-chère. C'est le patron des festins, et le saint le plus généralement invoqué par tous les hommes de bon appétit. Nous ignorons si ce célèbre évêque de Tours étoit de son vivant un mangeur distingue, et d'après son ardente

charité, nous serions tentés de le croire; car un Gourmand jugeant de l'appétit des autres par le sien, a presque toujours un bon cœur; mais ce que nous savons positivement, c'est que l'anniversaire de sa mort est la cause, l'origine, et le témoin d'un grand nombre d'indigestions. Catholiques, Luthériens, Calvinistes, Quakers, Anabaptistes, Anglicans, Presbytériens, Grecs, Schismatiques ou Unis, toutes les communions, toutes les sectes Chrétiennes, tant divisées sur les points de leur croyance, se rémissent pour fêtes S. Martin. De tous les bien heureux habitans du ciel, c'est celui dont le culte est le plus universellement répandu. Il n'y a pas jusqu'aux incrédules et même jusqu'aux philosophes, qui n'aient pour lui la plus grande vénération. Ces derniers même, en leur qualité de Gourmands du premier ordre, ont plus de foi en ses reliques que tous les autres.

'Grand Saint Martin! patron de la Halle, mais surtout de la Vallée, qui ne sent son appétit se réveiller à votre approche? Quoique votre fête ne soit point précédée, comme tant d'autres moins solennelles, d'un vigile et jeûne, combien de gens jeûnent pendant trois jours pour la mieux célébrer! C'est pour les hommes bien portans la saison de l'émétique et des clystères. Chacun s'empresse à l'envi de récurer son estomac, pour lui faire prendre de nouvelles forces; et la veille de votre fête est vraiment celle des apothécaires.

'De leur côté les cuisiniers récuvent leurs chandrons, grattent leurs mannites, ratissent leurs broches, éclaircissent leurs grils, et font étamer leurs casseroles; et de même qu'à la veille des jours solennels, l'on pare à l'envi les temples, le jour qui précède la S. Martin, on balaye les fourneaux, on ramene les cheminées, et la cuisine prend l'aspect d'un boudoir.

'*Mars*—Le temps consacré à la pénitence n'est point, comme l'on voit, étranger à la bonne-chère. C'est celui de l'année où le poisson est le meilleur; et la religion s'accorde ici très-bien avec la sensualité. Il est nécessaire d'ailleurs, sous le rapport de l'économie politique de laisser aux bestians le tems de se reproduire, et la viande seroit moins chère, plus abondante et meilleure, si le carême étoit plus généralement observé!'

We shall conclude our extracts from this amusing work, by the following notice respecting *Béchamel*, which will be new probably to many of our readers.

'Le meilleur de ces déguisemens, c'est de le mettre en *Béchamel*, préparation ainsi appelée du nom du Marquis de Béchamel, maître d'hôtel de Louis XIV., son inventeur, et qui s'est immortalisé à jamais par ce seul ragoût. C'est ainsi qu'un seul drame a suffi pour faire la réputation de Piron, de Gresset, de La Touche, de La None, et que Mercier lui-même doit plus de renommée à sa brouette du vinaigrier, qu'à tous ses paradoxes politiques, astronomiques, moraux et littéraires.'

One of the most singular refinements of the art, and which was carried to a great height amongst the ancients, was a sort

of travestying different dishes, or imitating others. Thus, a cheaper sort of fish was taught to assume the shape and flavour of a rarer species. The story of Trimalchion, who imitated the flesh and flavour of different animals with fish alone, is familiar to our readers. In Catholic countries, this part of the art is now carried to a great degree of perfection; in so much, that at the table of a certain Cardinal on maigre days, every sort of meat was so well imitated by fish alone, that the guests were scandalized, never doubting that it was flesh with which his Excellency was tempting them. The old cookery books abound with singular dishes in travesty; such as '*a turkey in the shape of a football*,' '*a shoulder of mutton like a beehive*,' and an entré of pigeons *like a spider*, &c. But the most singular, and, at the same time, the most disgusting and incredible receipt, is in '*Wesker's Secrets of Nature*,' quoted in the *Apicius Redivivus*, 'how to roast and eat a goose alive,' in which it is directed 'to 'pluck off all the feathers but those of the head and neck, and 'surround her by fire, giving her cups of water and chargers of 'sodden apples, basting her with butter,' &c. But we will not disgust our readers by the nauseous details, which, however, are so particular, as to make us believe that the experiment must have been actually tried.

The author of the Almanac des Gourmands has also compiled a treatise under the title of Manuel des Amphitryons, which is divided into three separate heads: 1*st*, Dissection des Viandes; 2*d*, Nomenclature des Menûs (bills of fare) de chaque Saison; 3*d*, Elémens de Politesse Gourmand. The introductory dissertation on the art of carving is amusing, from the grave importance which is attached to so useful an art.

'Cet art, de bien découper, étoit regardé par nos pères, comme si essentiel, qu'il faisoit chez les hommes bien nés et chez les gens riches, le complément d'une bonne éducation. Le dernier instituteur qu'on donnoit aux jeunes gens, c'étoit un maître à découper, qui les faisoit journellement opérer sur la chair, et qui joignant la pratique et l'exemple aux préceptes, ne les quittoit pas sans leur avoir fait achever leur cours complet dans cet art difficile, et les avoir familiarisés avec tous les sens de la viande de boucherie, et toutes les jointures du gibier et de la volaille.'

The situation of ecuyer tranchant was formerly, in the French courts, even down to the beginning of the reign of Louis XV., one of considerable importance; as also was the situation of *grand carver* in England.

'Cette charge a disparu avec les beaux jours du siecle de Louis XIV., et les Amphitryons se sont fait depuis un honneur de la remplir eux-mêmes, en decoupant de leurs propres mains les pieces les plus honorables de leur table. Les Allemands seuls ont eu le bon

esprit de conserver un Ecuyer tranchant, et chez eux les Amphitryons ne servent jamais que des pieces toutes divisées.'

These preliminary observations are followed by a description of 'les differentes sortes de viandes et même de poissons susceptibles d'être découpés.' We pass over the different bills of fare, arranged with great apparent skill, both as to the variety of the articles, their combination and contrast; and although we have derived considerable pleasure from a contemplation of this synopsis of good eating, we cannot hope the same result will be experienced by our readers, from a perusal of such an extract as our limits would now permit us to give.

The third and last part, containing the 'Elemens de Politesse Gourmande,' we consider as far inferior to the practical parts of the work; and are tempted to believe, that the author has so entirely devoted himself to the theory and practice of the culinary art, that the graces, even as far as they concern the conduct and service of the table, have not been very diligently studied. A comparison, however, of some of the rules of French society, with those adopted in this country, might be curious: On the subject of introducing guests to each other, and of servants waiting at table during dinner, we quite concur with the author.

'Nous insistons d'autant plus sur ce point, que, faute de cette attention, nous avons vu plus d'une fois des personnes qu'un grand nombre de rapports auroient rapprochées, passer ensemble une journée entiere sans se parler, parce qu'elles ignoroient respectivement leur nom et leur profession. De tels inconvéniens naissent toujours de l'insouciance ou de l'inattention des Amphitryons. Ils se privent eux-mêmes par-la de beaucoup d'agrémens; car cet isolement des convives, jette necessairement de la contrainte, de l'embarras, et même du froid dans la conversation de toute la journée.'—'La présence des valets cause encore un autre dommage; elle accuse la durée du festin, dont ils mandissent intérieurement la longueur. Tant de bonnes choses qu'ils ont sous les yeux, et dont ils ne peuvent user, deviennent pour eux autant de privations vraiment douloureuses; ils sont donc condamnés tous les jours au supplice du père de Pélops. On lit sur leur figure les sensations qu'ils doivent necessairement éprouver, en comparant le dîner qu'ils ont fait, on qui les attend, avec celui qu'ils ont sous les yeux; et le spectacle de ces mines allongées, et de ces bouches avides, est fait pour paralyser l'appétit du plus intrépide gourmand.'

The relative duties of host and guest are shortly summed up by the author as follows. 'Noblesse, munificence, et attention continuelle d'une part, appétit, docilité, et gratitude sans bornes de l'autre.'

The 'Cour Gastronomique' is the least entertaining of the different works we have examined. It is made up of a vast num-

ber of quotations from Athæneus, Apicius, Nonius de re Cibaria, Columella, &c.; and we could hardly suppose, considering the great stores the author must have had an opportunity of consulting, that he could have compiled a book so dull. The best part is a *Carte Gastronomique de la France*, in which each town celebrated for any gastronomic production is marked by a representation of it in the map, thus giving a general view of the most celebrated 'productions comestibles' in each town. This carte at first appeared to us to be a part of a celestial globe; but, on a nearer inspection, the representation of what we conceived to be Ursa Major and Ursa Minor, &c. we found to be the fat oxen of Limoge, &c. The work also contains a curious classification, &c. of tastes (*saveurs*), the number of which the author makes to correspond with the seven prismatic colours.

Those of our readers who have been used to the imperfect and barbarous nomenclature and directions of Mrs Glasse, and who have not watched the recent progress of the science in this country, will be surprised at the rapid strides which have been made towards the improvement of the art of cookery: and we may venture to propheey, that the *Apicius Redivivus*, which it is understood is from the learned pen of Dr Kitchener,* will be considered as the English *Institute* of cookery, and may well earn for the Doctor the proud title of Apicius Britannicus. We in some degree, however, quarrel with him, he having, we think, helped himself too largely from the stores of the Almanack des Gourmands, and other French institutional works, and not having always made sufficient acknowledgments.

The Apicius is well dedicated to '*Tasteful palates, keen appetites, and capacious stomachs*,' by the author, who has made it a *bonâ fide* register of practical facts, accumulated by a perseverance not to be subdued or evaporated by the terrors of a roasting fire in the dog days. The receipts, he states, were actually written down by the fire-side, with a spit in the one hand, and a pen in the other; in defiance to the combined odoriferous calefaciant repellants of roasting and boiling, frying and

* The singular coincidence of name and subject led us at first to suppose that a culpable modesty had induced the author to assume the pseudonyme of '*Kitchener*;' but in this we were mistaken: We find that there is a real Dr Kitchener; and that he is devoted to the culinary art with a zeal almost unequalled. If report be true, the Doctor spends some hours each day in his laboratory; and has more than once worked his whole book through, in a course of experimental cookery.

We understand a New Edition of Apicius Redivivus, with the more popular title of the Cook's Oracle, with numerous additions and improvements, is about to make its appearance.

broiling. 'The author submitting to a labour no preceding cookery book-maker perhaps ever attempted to encounter; having *eaten* every receipt before he set it down in his book, and no composition being inserted without the *imprimatur* of an enlightened and indefatigable COMMITTEE OF TASTE, composed of profound palaticians, who, the Doctor states, were so philosophically and disinterestedly regardless of the wear and tear of teeth and stomach, that their labour appeared a pleasure to them.

The principal object of cookery, he observes, is to make the food not merely inviting to the appetite, but agreeable and useful to the stomach; nourishing without being inflammatory, and savoury without being surfeiting. To be a profound palatician, and complete mistress of the art of extracting and combining flavours, besides being the gift of good taste, requires all the experience and all the genius, all the dexterity and skill, of the most accomplished and exquisite professor, and especially an intimate acquaintance with, and an attentive consideration of the palates of those for whom she (the cook) is working. There are as many degrees of sensibility of palate, as there are of perfection in the eyes and ears of painters and musicians; and unless nature, observes Dr K., has given the organ of taste in a due degree, his book will no more make an Apicius, than it can a Reynolds or an Arne.

Amongst the different works published in this country, we must mention one by Mr Simpson, cook to the late Marquis of Buckingham; not, however, from any intrinsic merit of the work. As far as relates to the art of cookery, it is, we conceive, worse than useless; but Mr Simpson has added 365 bills of fare, of dinners, for one year, dressed by the author for the late Marquis, which include a synopsis of the entertainments given at Stowe during a week's residence of his present Majesty, and of a supper given to Louis XVIII. and the French princes. We trust that at least one of the four editions of this work will be preserved in the British Museum, for the benefit of future antiquaries; and if so, we have no doubt, a few hundred years hence, some bookworm will have the good luck to discover this treasure, and transmit to the Antiquarian Society an account of the identical dinner eaten by George the IV., when Prince of Wales, on such a particular day; with the very important addition 'of the manner in which each dish was dressed and served.'

We must not, however, omit to do full justice to Dr Kitchener; he has not done his work by halves:—indigestion is a subject very nearly connected with good eating; in France, however, it does not appear that this is the source of such evil

and torment as in this country. 'Digestion,' the French say, 'is the stomach's affair;' indigestion, 'that of the Doctor:' but lest any one should suffer by an incautious indulgence in the good things displayed in the '*Cook's Oracle*,' the author has published a separate work, under the title of *Peptic Precepts*, in which the prevailing symptoms of indigestion are carefully noticed, and the most effectual antidotes prescribed.

We suspect, however, that in all dietetic directions, medical men prescribe pretty much according to what they find suits their own tastes. Dr Darwin used to eat a cream cheese or two at once; and he was not sparing, on all occasions, in prescribing cream and butter in large quantities to his patients:—we rather suspect that the author of the Peptic Precepts is not an exception from this rule. A perusal of the work leaves us with the impression, that a considerable proportion of his time had been occupied in good eating, and the remainder in devising the means for releasing himself from the ill effects of repletion.

We fear, by this time, our readers are satiated with the subject: and we have no room left for a very ingenious suggestion for effecting changes in the constitution, by the peculiar combination and ingredients of the dishes in future to be served at the Cabinet dinners,—from which much benefit to the constitution of the country, as well as of the ministers, might be very confidently expected. We are compelled to quit the subject of French and English cookery, without having found room to say a word about *Frogs* under one head, or *Turtle* under the other.

Art. III. *Monthly Repository.* Vol. 14. 1819.

Strange as the assertion may appear to many Clergymen of that establishment, the English Church is mortal; and ages hence, though the rivers and the hills remain, there may be no Bishops and no Deans. Now, the receipt we would propose for the prolongation of the existence of this venerable system, is the diminution of needless hostility, a display of good humour, liberality, and condescension, and an habit of giving way in trifles, in order to preserve Essentials. Every nation of Europe has its ecclesiastical Establishment, to the support of which the community at large contribute. This is all very well; we quarrel with nothing of this kind. But, the Establishment once made and well provided for, any exclusive privilege conferred upon its members is mere monopoly and oppression; against such un-

just pretensions of Establishments, we have always contended, they are not religion, but greediness and insolence wrapt up in a surplice.

Cupid cares not for creeds; the same passion which fills the parsonage house with chubby children, beats in the breast of the Baptist,—animates the Arminian,—melts the Unitarian maid, —and stirs up the moody Methodist to declare himself the victim of human Love. But when, after a long course of pleasing solemnity, the delighted Dissenter has obtained the consent of his serious female, when they are about to be united in holy wedlock, the law opposes the most cruel obstacles to their union. Let us state the facts, and see to what reasoning they give birth.

The Christian religion every where ordains marriage as the condition of intercourse between the sexes; and considers as sinful such intercourse carried on without such contract. Marriage, therefore, the compact itself of living together and bringing up children, is unquestionably a religious compact: he who denies this, must forget some of the plainest texts in Scripture. But though the compact itself is among Christians a religious compact, the methods by which that compact may be executed are left to the laws of each Christian country; and the marriages in Scotland, without clergyman or ceremony, are as scriptural as those in England. It is therefore muddy and confused language to say, that marriage is a mere civil contract. Marriage is a religious institution; the forms of marriage are civil institutions. It is an offence against the Scriptures to violate the compact itself; it is an offence against the law not to comply with the forms of the compact.

The Church of England has ordained, and we think wisely ordained, that the marriage ceremony should be performed by the intervention of a clergyman, and the recital of appointed prayers; and, as far as concerns the members of their own church, this is reasonable and decent. There are some passages in those prayers, perhaps, which are too plain and natural for modern delicacy;—but this is another, and a subordinate question.

Before the marriage act of 1753, nothing was so easy as to be married. Any contract made *per verba de præsenti*, or in words of the present tense, or in case of cohabitation *per verba de futuro* also, between persons able to contract, was, before the marriage act, deemed a valid marriage to many purposes; and the parties might be compelled, in the Spiritual Courts, to celebrate it in the face of the Church. The marriage act enacts, that banns should be regularly published; that no license should be granted to marry in any place, where one of the parties has

not resided at least a month; that the marriage ceremony must be performed by a regular clergyman of the Church of England, and according to the form set forth in the book of Common Prayer. There is an exception in favour of Jews and Quakers. Upon every other sort of Dissenter, the act is as imperative as upon the members of the Church of England.

Before the marriage act, the marriage of Dissenters, in the face of their own congregation, was good in law. Of this fact, there is no doubt. Whatever grievance they have to complain of, originated at that period. Their claim, or, if that is a more palatable word, their petition, is to be restored to the situation they were in (as far as marriage is concerned) before the passing of this statute.

In the marriage service, the doctrine of the Trinity is very frequently introduced. The man and woman are declared to be husband and wife, in the name of the Trinity. The Clergyman gives them his blessing in the name of the Trinity. The man is compelled to say after the Clergyman, that he weds, endows, and worships his wife, in the name of the Trinity:—and allusions to that doctrine (as is of course to be expected in the ritual of the Church of England) pervade the whole of the marriage-service. There are a certain class of Dissenters, the Unitarians, who do not believe this doctrine to be taught by the Scriptures, and who say that they cannot religiously and conscientiously be present at a service where such doctrines are inculcated as a part of the Christian religion, much less express their assent in them; which, in the marriage-service, they are, by the repetitions after the clergyman, compelled to do. Anti-Trinitarian Dissenters are tolerated by law as well as any other dissenters. The penalties for denying the doctrines of the Trinity are abolished;—that doctrine, like all the other doctrines of our religion, is left open to the fair and respectful discussion of Christians. That the Unitarians are sincere in this declaration, and that their opposition is conscientious, we have not the smallest doubt. But the law is peremptory: if they are married in England, they must be married in this manner. They cannot enter into this great Christian compact without trampling upon what they believe to be the true exposition of the Christian law. The petition of the Dissenters is as follows.

'That your petitioners are Protestant Dissenters, differing from the Established Church with regard to the doctrine of the Trinity, [and resident at or near] or [usually assembling at for the purpose of religious worship.]

'That the marriage service, required by the existing law, is inconsistent in several points with the religious belief which your petitioners conscientiously entertain.

'That by the municipal laws of many Christian states, as well as of this kingdom prior to the Act of 26 Geo. II. c. 33, commonly called the Marriage Act, the matrimonial contract has been considered as essentially of a civil nature, although usually consecrated by some religious ceremony.

'That, accordingly, the marriages of Dissenters, celebrated in the face of their own congregations, after the date of the Toleration Act, were considered valid by our courts of law, although some attempts made to disturb such marriages in the Ecclesiastical Courts, served to dispose the majority of Dissenters (between whom and the Established Church, there was then no essential difference in points of doctrine), to conform in that particular to the ritual of the Church.

'That whilst your petitioners are far from wishing to impugn the policy of the Marriage Act, considered as a measure of civil regulation, they beg leave to suggest, that, in its operation in connexion with the present Church service, it imposes a burthen on conscience, which they humbly conceive was not intended by the legislature, as may be fairly inferred from the exemption in the act of the two classes of persons, against whose religious feelings and discipline it seemed particularly to militate.

'That the just and liberal disposition of the legislature, manifested towards your petitioners, by the act passed in the 53d year of the reign of his present Majesty, c. 160, has encouraged them to hope that their religious opinions present no sufficient objection to the extension in their favour, of the recognised principles of toleration; but they humbly submit, that such toleration is in their case necessarily incomplete, while they are obliged, by the marriage law, to join in a service repugnant in many parts to their religious feelings and principles.

'Your petitioners, therefore, humbly pray that your [Right] Honourable House will take their case into your serious consideration, and afford them such relief in the premises, as in your wisdom shall seem meet.

And your petitioners shall ever pray, &c.'

If this bill passes, (and we sincerely hope it may pass), the provisions of the bill should be to this effect.—The Dissenter should lodge his petition with the clergyman of the parish, stating his dissent from the doctrines of the Church, his desire to be excused from assisting at the marriage service, and his intention to appear at the altar on the hour pointed out by the clergyman, with the documents and sureties required by the act, in order to the registration of his marriage; which petition shall be read in church, and alluded to in the register as the cause of the omission of the marriage service;—and Dissenters' marriages so performed shall be good in law.

This we consider to be a far better arrangement than any re-

quest to omit parts of the service. To say, 'Don't pray with 'us at all, we do not require your spiritual assistance,' may not be unreasonable language from Dissenters to the Church; but to say, 'We will tell you which of your prayers you may 'omit, and which you may use,' is bad taste, and not suitable to the state of the parties.

This law, if it passes, will leave the fees of the clergy just as they were; and no financial objections can be made against it.

It leaves also all the salutary precautions of the Marriage Act just as they have always existed. There will be publication of banns, consent of parents, registration, the same conditions for granting licenses, and special licences; every thing but the recital of the marriage service.

It is certainly a little extraordinary, that the indulgence in question should be granted to Jews, and denied to any description of Christians; that a total disbelief in every thing you teach should secure to infidels the enjoyment of their own ceremonies; and a partial agreement in the truths of Christianity expose men to this violation of their conscientious opinions. Nor is there any reason we know of, why Quakers are to be exempted more than any other description of Christians, from these compulsory nuptials, except that it would be impossible to make them conform to such rules. Obadiah would rather bastardize his issue, and permit the law to consider his wife as a concubine, before you could bend him to the marriage ceremonies of the English Church. This has been his constant policy. He has been flogged till there were no more rods—shut up till there were no more empty jails—fined till his umbrageous beaver has been sold over his head;—still he remained the same as in the beginning, and ready to undergo it all over again. Accordingly, his religious prejudices have been respected; and he is left to celebrate his nuptials as he pleases. But it is either right that all sects should marry as the Church of England marries, or it is not. If it is right, the application of the law, or the exemption from it, ought not to depend upon the obstinacy of one man, or the facility of another. In justice and in reason, the Quaker should be brought back to the altar, or the Dissenter let loose from it; for we value the Church of England too highly to suppose that it abridges the liberty only of those who are too timid to cry out, and that it looses its hold of others who roar lustily, and show fight.

We cannot at all understand why it is so wrong to abolish a law, which it would not only be enormous, but almost impossible, to enact. Suppose all Dissenters to have been excepted from the operation of the Marriage Act, and some zealous or-

thogamist was, at this time of day, to propose its extension to heterodox love: The uproar, the rage, the activity of Dissenters, it is not difficult to conceive, nor the contempt with which such a proposition would be received by every man of common sense; and the instant and disgraceful defeat of such a measure could not be at all doubtful. Why then may not a law be suffered to die, which no human being would now think of bringing into the world? why is it perilous to repeal what it would be so unjust to enact?

Men of the world must not undervalue the conscientious scruples of Dissenters, or suppose that they proceed from querulous faction, or hostility to the Church. The Madeira moiety of mankind,—the fish, soup, and Pattie part of the public, know little or nothing of the feelings of the serious part of the world. Laws are made by men of fashion, who may turn this application of marrying Dissenters into joke; but this would be a great mistake. Those who make it are deeply in earnest,—take the restraint imposed upon them intimately to heart as a very serious grievance,—and earnestly and ardently look to the Legislature for relief. The most superficial glance over the volume now before us would convince any person that very grave and earnest men believe their best interests are at stake in such sort of questions.

The following is the account which Mr Dillon, an Unitarian minister, gives of his own marriage.

'Not to appear to take any undue advantage, I previously waited on the parson who was to perform the ceremony: you will see that this was a matter of some delicacy. The line of conduct I pursued was, to behave towards him with every mark of attention and politeness, and this not from any respect for the man or his station, *but because it is the law, or, at least,* the *practice of* the *country, and not the individual*, which imposes upon us the hardship in question. I stated the case, *and asked his advice how I should act;* he was thus placed in a dilemma: for, advising me to submit to the law, I pointed out to him that this was counselling me to act against my conscience, advice which no honest or honourable man could give. I then stated, that, in former cases, much of the most obnoxious part of the ceremony had been omitted; but that if, at any rate, he compelled me to go through a ceremony, obnoxious to my conscience, I must submit indeed, but that I should deliver *a protest* against it, to mark that *my mind* was no party to the degradation.

'At the time appointed, a protest, such as you have seen, having been drawn out, and signed by my intended wife and myself, just before what is called the *service* began, I put it into his hands, saying, "*We deliver this as our protest against the* religious *part of the marriage ceremony,*" or to that effect. He took it, and, requesting that

no further interruption might be made, went on; but little difficulty arose till I was bid to repeat the words, "*In the name of the Father, and of the Son, and of the Holy Ghost.*"—Here, of course, I paused—and, after a moment, told him that, as conscientiously disbelieving the doctrine of the Trinity, I could not repeat these last words. He expostulated—said he was only the servant of the law, and that we *must* say these words, or the marriage would be incomplete. I appealed to him, as one professing religion, and standing in what *he thought* a sacred place, whether he ought to call upon us to join in what, to us, was falsehood or blasphemy. The same answer as before. At length, finding resistance here vain, (though the point had been conceded to one of my friends by another parson), I spoke to this effect: "In the name of the Father, and *(but protesting against it)* of the Son, and *(but protesting against it)* of the Holy Ghost." When the priest afterwards repeated the same words, ("In the name of the Father, and of the Son, and of the Holy Ghost,") the whole party turned away from the altar. The minister, in this instance, did not press us to kneel, and waived most of the prayers which follow. Indeed, we contend, that, after he has "*pronounced the parties to be man and wife,*" the marriage must be, to all intents and purposes, complete, and every thing which follows may and should be omitted.

'Thus much for my own case. I should say, however, that, having been present at five or six marriages of my friends, (all of whom have acted a similar part), we have found great difference in the manner in which the minister has behaved, and the line of conduct he has adopted. Some have appeared really shocked at what they called our impiety. Some were afraid of incurring censure from their superiors if the matter were known. Some have omitted, at our request, nearly all the ceremony, whilst in one instance the whole "long ceremony" as it is called, was insisted upon, together with the kneeling, &c.; but this, experience has now convinced me, never need be done by an individual, acting with the spirit and manliness which honest and conscientious intentions ought to give us.

'I have only now generally to add some remarks upon the difficulties you are likely to encounter. We considered it of great importance, as really called for, to pay no disrespect to the minister, as an individual: it is the system, and not the man, we object to: he would tell us that his situation was a painful one; our reply was, that we knew it was such, and that we felt for him—but that ours was *more* painful, to be called upon to go through a ceremony contrary to our belief and our consciences. We constantly kept up the distinction referred to in the protest, that we were willing to submit to him as the *civil* officer appointed by the law to register marriages;—we only objected to him in his *religious* capacity.

'On the subject of the *law* of marriage, (with which, probably, you are better acquainted than myself), it may be well to bear in mind, that the object of what is called *the Marriage Act* was, not to compel people to go to the church of England for *religious* purposes, but to

ensure *publicity*, and prevent illicit marriages; an object which, we contend, would equally be gained, (even as the law now stands), by presenting ourselves to the priest, and being registered by him, without our approaching his idolatrous altar at all.

'On one or two occasions the priest was, or professed to be, so shocked at our proceedings, that he threatened not to go on with the ceremony; this, we took leave to show him, must be *at his own peril*, as, while by law *we* were obliged to present ourselves there to be married, *he*, by the same law, was *compelled* to do his part; and, as to any protest we might deliver, or objections we might verbally raise, the law had made no provision against them, to justify his *therefore* refusing to complete the marriage.

'By these means, acting with openness and firmness, avoiding personal offence where it was possible, but even at the hazard of personal offence maintaining the rights of conscience, myself and friends have, in various instances, succeeded in bearing all the testimony in our power against the base and iniquitous system which now exists. Too many, and particularly too many of the Unitarian body, have submitted to the yoke in silence. I am happy to hear of one more individual honest enough to act upon the dictates of conscience; and I must conclude with wishing you all that happiness which, entered into with unpright and conscientious feelings, the marriage state is so capable of conferring; remaining, &c.

'JOHN DILLON.'

These scenes are very indecent, and fully as painful to every respectable Clergyman who witnesses them, as they must be to every respectable Dissenter by whom they are occasioned. Once begun, they will become more common; and every Dissenter's marriage will be a squabble between the minister and the bridegroom—a theological controversy in the face of the Church, at the celebration of a ceremony where every thing should be harmony, peace and happiness. A congregation of Christians, assembled in the house of God, where the people protest against the prayers, and disown the minister—can it be any injury to the cause of religion, to avoid a ceremony carried on under circumstances so indecent, and so revolting? Can any conscientious Clergyman blame a Dissenter for the freedom and boldness of such a protest? Would he himself submit to be married, and listen to doctrines utterly subversive of the doctrines of the English Church, without protesting against them? Would he publickly disown his own creed? Would he condescend to repeat, after a Dissenting minister, doctrines utterly subversive of, and contradictory to, his own religious faith? It is in vain to say that the Dissenter is wrong—he has tried to be right—his opinion is conscientiously taken up—he stakes his eternal safety upon it,—and it is impossible he can yield it up to the arm of temporal power.

Is it not a little inconsistent, that, on all the common occasions of life, a Dissenter should be allowed to worship as he pleases—that, on one of the most important occasions of his life, he must worship as other persons please—that, in the midst of a general system of toleration, there should be this single exception—that you should give all men leave to build chapels—that you should protect their worship—privilege their ministers;—and then, when they have been suckled and nurtured in dissent, suddenly, singly and capriciously, drag them to the Mother Church?—And for what purpose?—not to prevent clandestine marriages, for they may just as well be prevented if the service were omitted;—not to promote piety, because it gives the most serious offence;—not to secure the emoluments of the Church, for they may be secured by registration:—not to increase the subjects of the Church, because it multiplies her enemies. The Marriage Act was never intended as any abridgment of religious freedom: the only two sects who asked for the exemption, had it; and if other Dissenters had been as watchful of their civil rights then, as they are now, they probably would have been included in the exception; but the carelessness of Dissenters in the time of George II., cannot affect the rights, or weaken the reasons of their descendants. When men are asleep, they say nothing; as soon as they are awake, and talk about their civil rights, they should be heard: It is nothing to the purpose why they did not wake sooner.

We utterly deride the idea of the Church being endangered by such sort of concessions. We believe that Establishments, like individuals, are strengthened by the number of their friends, and weakened by the number of their enemies; and that it is utterly impossible that any man should not be the implacable enemy of an Establishment, which compels him to abjure his faith before it will allow him to marry. But we augur a better fate to the measure, and a more humane and rational conduct from the heads of the English Church. We believe they will consider the hardships to which the Dissenters are exposed, as a mere omitted case in the Marriage Act; and when they have secured, as they have a right to do, the emoluments of the Church, and, as they ought to do, the publicity of Dissenters' marriages, they will hasten to expunge from the Statute-book so disgraceful a relic of the spirit of persecution. Should we be disappointed in these expectations, we really think that the greatest of all theologians, the first Lord of the Treasury for the time being, should interfere as a teacher of moderation. The reasonable part of the public will go along with him in the measure, and will respect his mediation as the act of a man of sense and principle.

There is contained in this same volume from whence we have collected the case of Dissenters' marriages, the proceedings of a Protestant Society for defending and encouraging the principles and practice of toleration—an excellent Society, in which we hope all descriptions of Christians, forgetting their mutual animosities, will cordially unite; for though we despair that the Calvinist will ever convert the Arminian, or the Trinitarian soften the Unitarian, we know no reason why all the good of every sect may not heartily concur in the object of making all sects free, and of guarding against the constant monopolies and usurpations of power. The secretary to this Association is a Mr Wilkes, we believe a solicitor in the city, whose Speech is certainly very eloquent, and very impressive; and we shall pay some attention to the grievances which it enumerates. There is no occasion that Dissenters should suffer grievances of any degree, or of any description They are quite right to do all lawful things, and take all lawful means for their removal; but we must say, it is no mean triumph to the friends of toleration, to perceive how very little (the Marriage question excepted) there is to do for Protestant Dissenters, and how very trifling the amount of their remaining wrongs really is. In the first place, they are made to pay turnpikes if they attend any place of worship out of their parish—so are Churchmen; but if it is thought proper to grant any relief to Dissenters in this point, the difficulty will be, to prevent frauds upon turnpikes; for if any man, going to any place of worship, is to be exempted from tolls on Sundays, the number of religious persons rushing about on that day will be strangely increased; and the astonished tollman will in vain look for a single person whose purpose is secular, or whose master is Mammon. If the interests of the Tabernacle and the Toll-bar can be accommodated, the Dissenters certainly ought to have the indulgence they ask for. In the same way with meeting-houses. The principle is surely a very fair one which the law lays down. 'If you build an house merely for the purposes of religion, you shall pay no parochial taxes for it; but 'if you build an house of prayer, to make money by it, it then 'is as taxable as any other property by which money is made.' We cannot see any oppression in this; and, whether money is made or not by it, must be left to the examination of those magistrates who decide small civil questions on other occasions. They may be indulgent or rude in this examination: this must depend upon accident—but the law is surely not unfair.

It has been decided completely, that a clergyman has no right to refuse burial to Dissenters; but of what consequence can the right of being buried in the churchyard be to Dissent-

ers, who never come to the church, and who deny the right of the Bishop who consecrated it, or the efficacy of any consecration of any ground? Why do not such men, like the Quakers, provide themselves with a burial ground? But if they prefer the orthodox churchyard, they have the legal right to be interred there.

If single Clergymen are oppressive and unjust in their conduct to Dissenters, and many such instances (whether true or false we know not) Mr Wilkes produces—*currat lex.* If the law affords protection, and the Dissenter does not recur to it, who can he blame? Clergymen, like other persons, will abuse power, if they are permitted to do so with impunity.

As to the Corporation and Test acts, they are really the most absurd enactments (as they at present stand) which ever disgraced the Statute-book of any country. They are so severe that it is absolutely impossible to execute them. They have been regularly suspended for nearly 80 years. Their suspension is as much a matter of course as an attack upon pockets by a good and faithful Commons; and yet, though, during this long period, the execution of these laws has not even been proposed—their suspension never objected to—their abolition is supposed to be replete with ruin and destruction. Is this the meaning of

Nullum Tempus occurrit Ecclesiæ?

Art. IV. *Sketch of the late Revolution at Naples.* By An Eye-witness. London, Carpenter, 1820.

Among the many evil consequences of the proceedings which have agitated the country for the last twelve months, and will affix a stigma upon the character of its government for years to come, none deserves more to be lamented than their unhappy influence in withdrawing the publick attention from all that most nearly concerns our real interests, or should have interested our best feelings. The unexampled distresses of the country, and events abroad, which, even after the French Revolution, might well have astonished us, were suffered to pass nearly unmarked; while the whole faculties of all ranks seemed absorbed in contemplating the progress and issue of a Family dispute. The people may well be forgiven, and indeed admired, for their enthusiasm; but the consequences are not the less unfortunate, if the moment shall be found to have passed away, when a similar expression of generous feeling towards the oppressed, and of indignation at the sight of manifest injustice,

could have encouraged men, armed in the sacred cause of liberty, and carried consternation among their oppressors. The reader will easily perceive, that we are alluding to the important revolutions which have lately taken place in Spain, Portugal and Naples—but more especially the last.

The pamphlet now before us contains a plain, sensible, and very interesting account of that singular event, by an English Gentleman, resident in the country, and who appears to be well acquainted with its situation. His principal object seems to be the correction of some errors which prevailed in England, respecting the causes of the change, and particularly that which described it as entirely a military operation,—a revolution brought about by the troops, and in which the body of the people bore no part, and took very little interest. The efforts of those in this country who hate freedom, were naturally directed to represent it in this point of view; because they might thus expect to render it an object of distrust, if not of aversion, to men of sound constitutional principles. The facts detailed in this tract are well adapted to remove such an impression,—and they have been fully confirmed by every thing that has transpired since its publication last Autumn. We shall first give an abstract of them, and then suggest a few considerations which naturally arise out of the view they give us of the question. Before these pages see the light, the contest now commencing will in all probability be decided one way or another; to speculate upon its issue, then, would be absurd; but its more remote consequences must afford matter of deep and lasting meditation to the people of England upon the conduct of their rulers, whatever may be the immediate events; and it is fit that we should pause at the present moment to examine the causes, before all attention is engrossed by the results.

The drawing-room held on the 2d of July, the day of the Duke of Calabria's return to Naples, exhibited, it seems, the first symptoms of uneasiness among the Ministers of the King. At the Opera which immediately followed on the same evening, rumours were current of a considerable desertion among the troops; but at first these were supposed only to be a predatory movement, or to have arisen from the desire of the soldiery to return home. The intelligence that a number of the inhabitants had quitted Salerno and repaired to Avellino, the capital of the Principato Ultra, gave a greater weight to the former reports; and on the night of the 3d, and morning of the 4th, all doubts of their importance were removed, by the abrupt departure of detachments from the garrison of Naples, and a train of artillery towards Nola, and the precautions taken to

defend the entrance of the city from the Calabrian side. It was soon ascertained that Avellino had become the rendezvous of great numbers of the inhabitants from the other towns, and that some of the military sent in pursuit of the first deserters had joined them. The troops forming the line of defence continued steady in appearance; but no attack had been risked; and the contending parties remained for two days close to each other, while their leaders had frequent parleys together. The capital continued perfectly tranquil, and its police was entrusted to the Civic Guard, composed of the most respectable classes which had before been successful in preserving order under similar circumstances of alarm. At this critical moment General Guglielmo Pepe, an officer of great distinction, and who had for two years commanded in the provinces, but was then at Naples, joined the insurgents at Avellino. Our author thus describes his desertion, and its immediate consequences.

'On the evening of the 5th of July, this officer having retired home, was accosted by two others, particular friends of his, and a general; one of the former commanded the regiment of dragoons then stationed at the Ponte della Maddalena; and they were accompanied by two gentlemen of good family of the town of Naples.

'They jointly informed him, that they had certain intelligence that the ministers had come to the determination of arresting him that very night; that they came to urge him to escape, and moreover to request him to put himself at the head of the numerous assemblage of inhabitants from all parts of the kingdom, now collected at Avellino, who were only waiting for a chief, as distinguished for his military talents as he was beloved for his private virtues, in whom they could place unlimited confidence. They represented, that the revolution was now inevitable, and that his refusal might possibly injure himself, but could by no means avert the change which was about to take place: They added, that the cavalry regiment which one of them commanded, was at that moment ready to set off for the purpose of joining the insurgents, and that the greater part of an infantry regiment was to meet them in the course of the night, and accompany them to Avellino.

'This conversation produced the result that was expected: General Pepe entered the carriage that was prepared for him, and passing over the bridge, was from thence escorted by the above-mentioned dragoons, who were already mounted and armed. By avoiding the main road, they reached the vanguard of the insurgents by daybreak, and *Avellino* early in the morning.

'The account of this defection was not long reaching the ears of the Cabinet, and proved the death-blow to all hopes of resistance. A council was immediately held; and in consequence of its decision, the King issued a proclamation, announcing his compliance with the wish of his subjects to have a representative government, and his promise to publish the fundamental bases of it within eight days.

'The rising sun of the 6th day of July made this document legible to the eyes of the astonished multitude; and it was read to the few troops which remained in the different barracks in the course of that morning.' pp. 12–14.

Orders had, it seems, been given to General Carascosa, to attack the insurgents on the same morning; and these were now, of course, revoked; but the prevailing idea was, that he never would have risked the measure, because the troops could not be relied upon in such a service; and it should seem that he himself was well known as a friend of the new system, for he was immediately appointed Captain-General in the room of General Nugent. The new Cabinet was almost entirely composed of the ministers who had been in office under Murat. But a most important circumstance is to be mentioned, as showing the peaceful nature of this revolution. The two persons upon whom the tide of publick dislike had been turned, were General Nugent and Don Luigi de Medici, the minister of finance. The former, in particular, was rendered unpopular by his foreign birth, and connexion with Austria, in whose armies he had served, and by the severity of discipline which he had introduced into an army little fitted for it by natural disposition, and less by habitual indulgence under the late dynasty. Now the Finance Minister quitted Naples, but continued to reside in his own house, as if no change had happened, and soon after gave in his accounts to the new Cabinet; and, when a crowd repaired to the General's residence upon the 6th, and were told that he had left it, they abstained from making any search, on being told that his wife and children were in the apartments.

It now appeared manifest, that the operations which had taken place were the result of plans concerted with much deliberation, and by a vast number of persons. Nor could any one doubt, that the sect of the *Carbonari* was the principal mover. A few particulars respecting it form, therefore, an indispensable part of this narrative.

This association had been established with the view of opposing the progress of the French, and of liberating Italy from their dominion. It seems to have been originally a branch of the German Society, formed for a similar purpose, and which owed its establishment to persons high in the service of the Prussian monarch, and, aided by his promises, enabled him to regain his dominions and to break his word. It was accordingly an object of proscription under the French dynasty, as much as afterwards under the restored government; for, like their German brethren, the Carbonari were anxious, after the French were expelled, to bestow upon their country the blessings of a constitution, so

conducive to the happiness, and so necessary to the permanent independence of every state surrounded by powerful neighbours. The odium cast in England upon all secret societies, is easily understood, and cannot be blamed. They are justly deemed odious wherever the government is tolerably free, and can only be excused where the existence of arbitrary power, foreign or domestic, leaves no other means of escaping from hopeless slavery. But the suspicion with which we are wont to view such associations, has given rise to great misrepresentation of the Carbonari. They have been described as infidels and anarchists;—an abandonment of all religious principle has been held out as the basis of their sect, and the destruction of all regular government as the object of their labours. If the German confederacies had incurred the displeasure of the friends of government in this country, we should have heard them equally represented as irreligious and immoral; although they are well known in their own country to be rather under the imputation of being superstitious and ascetic. Of the Carbonari, it is said by our author, that the 'ceremonies attending the installation of every 'new member, are stamped with the most religious and even 'superstitious colouring; that the formulas read in their meet-'ings bear a similar character; that they have chosen for their 'patron a Saint,* whose legend is particularized by more than 'an ordinary portion of miraculous deeds; and that even the 'distinctive colours which they have selected, and which each 'member assumes on his initiation, are supposed to bear some 'mystic reference to their religious dogmas.' pp. 21, 22.

Notwithstanding, or, it may be, in consequence of, all the persecution they met with, the members of this sect daily increased all over the kingdom of Naples. In every department of the State, in all the local municipalities, and all the petty tribunals, their members were to be found. Into religious as well as lay communities, they had penetrated; but, above all, in the provinces and the provincial militia, they were in the greatest force. Those troops are composed principally of landed proprietors; and, from the numerous bands of robbers infesting the country, they have long been regarded, either alone or in conjunction with the regular soldiers, as essential to its security. In the province of Capitanata, we are told, that forty thousand of them, well armed, though after a somewhat rustic fashion, belonged to the Association; and our author scruples not to assert, generally, that one half the population of the kingdom had taken the oaths which bind its members to each other. We are the less sur-

* St Theobald.

prised, then, to find, that its share in the revolution was openly avowed; its emblems worn by all persons engaged in the change; a flag of its colours posted at the head quarters of the civic guard; and an order issued to the troops to wear its cockade,—which the inhabitants at large also adopted.

The little surprise which the first intelligence of the insurrection excited in the capital, and the favourable, though calm reception, which the news there received, may be cited as another proof that the body of the people had been well prepared for it. The regular army is said by our author to have been gradually gained over; and, during the continuance of the camp at Sessa, for two months almost immediately before, a resolution had been taken to carry the revolutionary designs into execution. Nor can it be doubted that the opportunities afforded by the camp to the different corps, of communicating together, had greatly promoted the dissemination of the Carbonari principles. Nevertheless, it appears to be quite indisputable, that the provincial militia were the great agents in the change; and, though not opposed by the regular troops, they were not actually joined by more than a handful of them, when the whole change was so suddenly effected. The following description of the grand entrance of the militia under General Pepe into Naples, is abundantly picturesque, and conveys a lively idea of their habits.

'They came in on Sunday the 9th of July, at about mid-day, and proceeding by the Strada Toledo, defiled before the Duke of Calabria, who stood at the window of the royal palace, and admitted their leader to the honour of an audience; after which he was granted the additional favour of kissing the king's hand.

'The regular troops, headed by General Napolitano, opened the march, and were followed by the mass of provincial militia, walking rapidly without any order, conducted by General G. Pepe and a priest of the name of *Menichini*, who may be looked upon as the principal mover of all the secret springs which had set the revolution in motion. This intelligent and indefatigable man attracted full as much notice, and by far more curiosity, than his companion, and is said to have passed several years in England, and to have been in Spain since the change which has taken place in that kingdom.

'The Constitution itself, in a palpable shape, made its appearance in the procession, conveyed in a common hackney one-horse chair, called a curriculo. The spectacle displayed by the bands of provincial militia was singular in the extreme; as, though they were all most formidably armed, their weapons varied as much as their accoutrements: a very small proportion of them were clad in military uniform, the majority being habited according to the different costumes of their respective districts, which at the same time bore a very warlike aspect.

'It must be acknowledged that the cartridge belt, the sandalled legs, the broad stiletto, short musket, and grey peaked hats, so peculiarly adapted by painters to the representation of banditti, seemed here to realize all the ideas which the inhabitants of the North have formed of such beings; and the sun-burnt complexions, and dark bushy hair and whiskers of the wearer, greatly contributed to render this resemblance more striking.

'A strange contrast was exhibited by the more opulent classes of these same legions, who, though equally well provided with arms of all descriptions, marched among the ranks of their picturesque companions, attired in the full extreme of modern French and English fashions. All bore the Carbonari colours at their breast; while scarfs of the same, or different medals and emblems * tied to their waistcoat, denoted the rank they severally held in the sect. Banners with inscriptions in honour of this patriotic association, were also carried by them. Nearly the whole of these individuals had been absent from their homes nine days, during which they had never slept in a bed, or even under a roof; but they all seemed in perfect good humour and spirits, and appeared amply repaid for all the hardships they might have endured, by the success which had followed them.' pp. 32–34.

It may easily be imagined, that the inhabitants of Naples had looked forward to the visit of the provincial bodies with no little apprehension; and precautions were taken by the Government to prevent disorder, which the event proved to be unnecessary. Nothing could exceed their quiet and good humour; no acts of depredation nor of tumult were committed by them. They remained about a fortnight, during which the great theatre was thrown open to them one night, and filled with a more worthy audience than perhaps any theatre ever before contained. A publick dinner was given to them, in common with the rest of the military; and they departed peaceably to their homes, carrying with them the admiration and respect of their more polished fellow-citizens.

There are several detached facts in the tract before us, which are of material importance, and which we shall here bring together without any regard to arrangement.

As far back, it seems, as 1814, the generals in Murat's army had conceived the design of establishing a constitution, and had resolved to make an effort for accomplishing it. The late detestable proclamation of Austria appears to countenance this idea, when it charges Murat with having encouraged the sect of the Carbonari, in order to assist his views of conquest in Italy,

* 'These were a hatchet, a hammer, a *vanga* (a kind of spade), and other instruments, as used by real Carbonari or charcoal-workers.

after having attacked them when they were in opposition to his views.

The force of habit among the Neapolitans is curiously illustrated by the fact, that some of the most enlightened and sincere friends of the Revolution, were seriously alarmed by the prospect of a free press, and of abolishing passports to the natives, in their passage from province to province. If we are not greatly mistaken, an instance of a still more remarkable prejudice was exhibited several years ago, when a considerable clamour was raised against a vigilant police minister, who had done nothing to deserve it but patronizing the dangerous innovation of punishing assassins capitally.

It is a remarkable circumstance, distinguishing the Neapolitan from every other Revolution, that the new government found a well filled treasury at its disposal. No less than thirteen millions of ducats were lodged there; and certainly no stronger proof can be given, of the part taken by the army having been the effect of political feeling, and a sympathy with their fellow-citizens.

We are told, and it is perhaps still more unexpected than any other of these particulars, that literature and general information are much more diffused in the remote districts of the Neapolitan dominions, than in the capital. Indeed, from all that appears, in these pages, of the habits and character of the provinces, the intelligent reader is led to desire more ample details respecting them; and it is a matter of no little satisfaction to learn, that the author (who is generally understood to be the Hon. K. Craven) is preparing for publication a Tour through these interesting and unfrequented portions of Italy.

All the events which followed the proclamation of the New Constitution, are fresh in the recollection of our readers. The quiet and orderly conduct of the people; the regularity of the Parliamentary proceedings, and the mature talents for business as well as for oratory which they disclosed; the general wisdom and forbearance of the government, especially in at once declining the offer to join them made by the two Roman provinces, Ponte Corvo and Benevento, which form by nature and habits part of the Neapolitan territory; the moderation exhibited by all parties, and the prevailing unanimity upon questions touching the common interest;—these traits have given an earnest of what may be expected from Naples, if the overwhelming forces of the Northern Allies shall not succeed in crushing her infant liberties. There may have been some things to lament and to blame. The leaning towards a military establishment, and the treatment of Sicily, are the most exceptionable. The appre-

hensions justly entertained of attacks from abroad, and the natural anxiety to provide by all means for their defence, have probably been the causes of both; and a hope may reasonably be entertained, that, with the cessation of the danger, sounder views of policy will direct the proceedings of the government upon each of those important points. At all events, these are Neapolitan questions; and no foreign power has any right whatever to interfere with their decision. This brings us to that part of the subject which, of all others, is now the most important, the conduct of the Allies towards Naples.

We conceive it to be a proposition requiring no demonstration, that the people of Naples had a right to change their government when and how they thought proper—as far, at least, as any foreign nation was concerned. The measure might be rash, or ill-advised, or even pernicious to themselves; it might be criminal towards a portion of their community; it might be unjust, nay cruel towards their rulers; it might involve its authors in the blame, or expose them to all the pity, which the worst or the weakest politicians can deserve; still no foreign power had any right to complain, as long as Neapolitan interests alone were concerned. Thus it has been asserted, that the Revolution was a military conspiracy; and certain persons, not remarkable for any great abhorrence of standing armies, have been pretty vehement in their declamations upon the dangers of the soldiery interfering with state affairs, or dictating changes of polity or of dynasty at the point of the bayonet. To a change thus brought about, we have in reality as much dislike as they can affect; considering it to be *pessimi exempli*; very ill calculated to obtain any improvement; and extremely well adapted to produce the last of evils, a turbulent oligarchy speedily ending in a military despotism. But we cannot discover any reason why foreign States should take umbrage at such a change. It is no concern of theirs that the Neapolitans may have committed a grievous error, and may be doomed to a bitter repentance; unless it can be maintained that the mere example is dangerous to all powers having large armies; and the same sort of argument would justify one country in demanding a rigorous execution of the criminal or police laws among all its neighbours, because the example of unpunished depredations is no doubt highly dangerous, wherever men and property are to be found. The argument (if it can be so called) to which we are now referring, is founded upon a complete misrepresentation of the fact, as we have already shown. The Neapolitan Revolution was the work of the people, not of the army, which did little more than preserve a neutral attitude. But suppose it

to have been entirely a military movement, that alone conferred no right of interference upon any other person, even if it had ended in the immediate usurpation of all authority by Prætorian guards, and the formation of the worst species of military government.

Widely different are the views upon which the Northern Confederates have acted; views which they have, with a happy indiscretion, unveiled to the world, not only by their conduct, but in the more tangible shape of a Manifesto.

It may be remembered, that, when the Holy Alliance was first proclaimed in 1815, and when its nature became the subject of discussion in Parliament during the ensuing Session, * the Ministers affected to treat the matter very lightly, and talked of this league as if it had been rather a speculative fancy of some wellmeaning visionaries, than any plan of a practical nature, like the ordinary measures of Courts. They treated it not only as if it had no bad intention, but as if it were wholly unmeaning; and they even cast some degree of ridicule upon it. There were not wanting those who viewed it in a very different light, and apprehended serious consequences from its future development, whether they regarded the actors, or their mysterious professions—or the time—the actors—the powers which had formerly partitioned Poland, their professed object—the maintenance of a state of things not defined to the world by an union of military and despotic chiefs—the time chosen—the very moment of victory over the last remains of the French Revolution. Certainly we have lived to see these apprehensions realized. The three powers, Russia, Austria and Prussia, with the intervention of France as an approving by-stander, it seems, rather than a party, and of England as a witness, neither approving nor dissenting, have met in Congress, avowedly to discuss the proceedings most strictly municipal of all the other monarchies in Europe. It happened that the affairs of *only* three States called for their immediate attention; but their plan was manifestly of a most catholick nature, and embraced the whole European powers, and, of course, all their colonial dependencies. We have now before us the famous Circular which this Congress thought fit to issue; and it is impossible to inspect it too closely, or to feel sufficient indignation at the detestable views which it unfolds. We shall first insert it at length.

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* See Debate on Mr Brougham's Motion, February 1816.

(CIRCULAR.)

'The overthrow of the order of things in Spain, Portugal, and Naples, has necessarily excited the cares and the uneasiness of the Powers who combated the Revolution, and convinced them of the *necessity of putting a check* on the new calamities with which Europe is threatened. The same principles, which united the great Powers of the Continent to deliver the world from the military despotism of an individual issuing from the Revolution, ought to set *against the revolutionary power* which has just developed itself.

'The Sovereigns assembled at Troppau with this intention, venture to hope that they shall attain this object. They will take for their guides, in this great enterprise, the treaties which restored peace to Europe, and have united its nations together.

'Without doubt, the Powers have the right to take, in common, general measures of precaution against those States, *whose Reforms, engendered by rebellion, are opposed to legitimate government,* as example has already demonstrated; and, especially, when this spirit of rebellion is propagated, in the neighbouring States, by secret agents. In consequence, the Monarchs assembled at Troppau have concerted together the measures required by circumstances, *and have communicated* to the Courts of London and Paris *their intention of attaining the end desired, either by mediation or by force.* With this view *they have invited the King of the Two Sicilies to repair to Laybach, to appear there as Conciliator between his misguided people and the States* whose tranquillity is endangered by this state of things; and as *they have resolved not to recognise any authority established by the seditious,* it is only with the King that they can confer.

'As the system to be followed has no other foundation than treaties already existing, they have no doubt of the assent of the Courts of Paris and London. The only object of this system is to consolidate the alliance between the Sovereigns; it has no view to conquest, or to violations of the independence of other Powers. Voluntary ameliorations in the government will not be impeded. They desire only to maintain tranquillity, and protect Europe from the scourge of new revolutions, *and to prevent them as far as possible.*'

If to all the publick acts of statesmen the maxim is applicable, that more is meant than meets the eye, to such manifestoes as this, it most emphatically applies. We may be well assured that as little as possible is disclosed; and that when we find a slight allusion, or a half confession, or a hesitating avowal of any scheme, there was, in the mind of those who set their hand to the diplomatic act, no wavering, no uncertainty of object, no infirmity of purpose, no contemplation of scanty or doubtful measures. But this paper is not open to the charge of much equivocation or concealment. If nothing at all lurked behind, there is enough disclosed to satisfy any ordinary lover of violence and injustice. He must be somewhat unreasonable who desiderates a greater latitude for publick wrong and arbitrary ag-

gression—for the encroachments of power upon right, and the subjugation of the weak by the strong—than is, in terms, conferred by this notable chapter of the Imperial Law of Nations.

The tone of absolute authority assumed in the outset of the Manifesto, is deserving of attention; and it can only be outdone by the gross falsehood of the statements. The three Allies are pleased to call themselves the 'Powers who combated the Revolution.' To Austria and Prussia this designation may be applicable; for they certainly, at one time, did oppose the Revolutionary arms of France. But Russia never took up arms in that cause, except during a few months of a madman's rule, and that long after the only legitimate ground of opposing the Revolution, as such, had ceased to exist. Then, what consistency or disinterested firmness was there in the opposition given by any of the three? Did they not, in succession, become the confederates—aye, the subservient tools of Buonaparte in his aggressions upon their neighbours, at whose expense they willingly consented to be rewarded for their base work done under him, and for his benefit as well as their own? Nay, did not these very Powers fight against each other under his banners—some of them receiving, for their wages, the spoils won by his force from the others? And is it not somewhat unbearable to hear them now assuming the style and title of 'those Powers who have combated the Revolution,' as if they had been all along, and upon the principles of a large and disinterested policy, the adversaries of France? But what follows is more unfounded still. They now, it seems, are acting upon the same principles which united them against Buonaparte, who issued, as they phrase it, from the Revolution. They never before professed to have any such ground of quarrel with him. To do them justice, they were not quite so barefaced when it was their interest to rouse all Europe, by appeals to the common sense and feelings of the people. They attacked him because he would not let them alone; because he overrun their territories, beat their armies, took, sacked, and burnt their capitals. Their enmity to him increased with his distance from a revolutionary origin; their 'union against him' was only formed when all that remains of revolutionary principles had perished, and when the Child of the Revolution had become as regular an Imperial despot as any of themselves,—was closely connected with them by marriage,—and had checked all turbulent movements, and put down all liberal opinions, far more effectually than they ever can do with their very moderate capacities. Have the Neapolitans, Spaniards or Portuguese, attacked them? Have they shown any the slightest disposition to become the aggressors? Have they not gone out of their way to disavow every appearance of giving

offence? Then, what vile falsehood is it to pretend, that they are to be attacked upon the same principles which united the Allies against Buonaparte?

But Buonaparte's was a 'military despotism;' and this, it seems, was an aggravation of his offence,—and they desired to 'deliver the world' from such a thraldom. At Rome it used to be said of old, that there was one family which could never be induced to complain of Sedition. But here we have loud complaints of military despotism from the Captain of the Strelitz and Preobrasheusky guards, who, by their aid, is also Lord of the Cossacks—from the commandant of the Croats—and the successor to a crown derived through a long line of the most renowned Crimps in the known world. These illustrious lovers of civil liberty—enemies of all that is armed—these '*Friends*' complain of the aggressions made by military despotism, and wish to free the world from its ravages—wherefore they put down Buonaparte. Then what sort of aggression was it that partitioned Saxony, and gave up Venice, Genoa, Ragusa and Norway, each to its bitterest enemies? and is it not plain that the Allies are proceeding upon the very plan of subjecting Europe to their own military despotisms? There was this difference in Buonaparte's conduct—he never pretended that he was making war upon their principles; he had no affectation of liberating the world from the worn-out dynasties that surrounded him; he fairly avowed that he coveted their dominions, in order to increase his own: and to consolidate the Continent in a league against England, was only, in other words, to place himself securely at its head. But these canting Allies must needs pretend that all they are about is for the good of the world. To preserve its independence, they parcel it out among themselves, or force its sovereigns to become their creatures; and the better to maintain a perpetual peace, they march their armies from the 'freezing Tanais' to the Straits of Messina.

But the third paragraph of the Manifesto contains a full development of the principles upon which these potentates are leagued together. They here assert an undoubted right to make common cause against any State, whose internal reforms are opposed to what their Majesties are pleased to term Legitimate Government. Of course, they are to judge what measure has this tendency, as they also are to define what legitimate government may signify. So that a right is broadly claimed by the Allies, of invading and crushing every State, with the internal arrangements of whose affairs they may be displeased. For there is hardly any change in the constitution of a country which may not be represented as coming within the general description of 'dangerous' to legitimate government. That the reforms

in question are said to be engendered by rebellion, affords no limitation to this generality: for who can doubt, that the most quiet and peaceful change, brought about by the whole nation on one side, against a single family on the other, would be termed a rebellion? Or that the concurrence of the reigning family, with a vast majority of the nation, would equally get this appellation from those Royal commentators? The case of Naples proves it,—and so does that of Spain; nor is Portugal materially different. But then, it seems in all such cases, the consent of the Sovereign and his house is collusive, and obtained by force or by fraud. So that the Allies alone are to judge what is real concurrence of the Prince, and what amounts to rebellion.

Again, we must call the reader's attention to the tone of unbearable insolence which runs through this document. Buonaparte was a great master of style; and he affected the sententious brevity of the ancients; but with all the adventitious harshness which this manner gave his decrees, he never was more peremptory than these clumsy artists. He may easily have been a more eloquent writer; but the Royal authors are to the full as sweeping and dictatorial. They 'are convinced of the necessity of putting a check,'—they are to 'take general measures of precaution,'—they '*have* concerted together the measures required by circumstances,'—they have 'communicated to France and England their intention of attaining the end desired, either by mediation or by force,'—they have 'invited the King of Naples to appear at Laybach, as mediator between his misguided people and the Allies,'—and they 'have resolved to recognise no other authority but his Majesty;' that is, they will consider him independent enough to treat with him, as soon as he puts himself in their power. In passing, we may observe how cavalier the treatment of France and England is; and this on the part of three Powers who, a few years ago, could hardly be said to have an independent existence. Spain, Portugal, and Naples, leagued to give the law—and regardless of all the North of Europe—would not be a much more extravagant idea now, than such a confederacy as that of Troppau would have been deemed in 1811.

It is, however, not a little remarkable, that the Allies should make so sure of the assent of France and England, as they do in the next paragraph. Can it be doubted, that some communications had taken place with those Powers? Would the Manifesto have assumed their concurrence as a thing unquestionable, without asking them? Still more incredible is it, that, after a demand and refusal, they should hold this language. The

answer given must surely have been, if not favourable, at least not very discouraging. Nor was it, in all probability, until the time for meeting Parliament drew near, that our Government saw the necessity of putting upon paper something which might be given in evidence of their having protested against the monstrous principles of the Congress. The protest, however, is feeble and equivocal; while it is certain, that both France and England had ministers present at all the proceedings of the Confederates. How much easier would it be for those Allies to govern the world, were there no such things as Parliaments and Chambers! No wonder that they are averse to the extension of this great impediment to all legitimate operations. Had it not been for the public voice in France and England, and its influence over the popular branch of the legislature, no one can doubt that the French, and, in all probability, the English Ministry also, would have given their sanction, and, as far as their means allowed, their aid, to the projects of the Allies. There is no part of their foreign policy to which they can appeal for a proof—or even for any thing like a presumption—that they would have taken a more honest and liberal course.

Upon the detestable principles of this Manifesto, it is comfortable to find that but one clear and unequivocal opinion prevails in the British Parliament. In the late debate in the Commons, * more especially, the adherents of the Minister, while voting against the particular motion, loudly declared their indignation at the Circular, and expressed their disapprobation of the proceedings held by the Congress. Mr Wilberforce declared, that 'he could scarcely conceive any principle in itself so unjust 'and so abominable, as the one laid down by the Allies, and 'which they held out to the rest of Europe.—To say, "You "shall form no constitution except that which we please to sanc-"tion," was hostile to every idea of liberty. He rejoiced that 'this had been brought forward, in order that it might receive 'the utter reprobation of the House. To see such doctrines 'promulgated by these great military powers, was calculated to 'fill with terror the mind of every man who cherished the love 'of national liberty. He adverted to their conduct in Poland, 'and said that the ruin of any country might be effected in the 'same manner. The liberties of England itself were not safe if 'such a doctrine were admitted.' Lord Castlereagh, who had made a very guarded protest against the Circular, was called up again by these strong expressions of Mr Wilberforce. He had before said, that 'the principle asserted in the Circular was car-

* On Sir James Mackintosh's motion.

'ried further than was consistent with prudence and sound po-'licy.' Weak expressions, it must be admitted,—and well warranting Mr Wilberforce's complaint that his Lordship had been somewhat too civil in his disclosure; for they were applied to such a description of the principle as we should almost have been afraid to give, lest we might be accused of exaggerating the demerits of the Confederates. He had spoken of it as asserting the right of the Allies 'to interfere in the domestic 'economy of other States, whenever a revolution was effected 'displeasing to them. He had admitted that such a claim, if 'applicable elsewhere, must apply to this country also—and 'had denied the right of any foreign country to interfere with 'our administration, or express satisfaction or dissatisfaction 'at any of our internal regulations;' adding, 'that he could not, 'for one moment, contemplate the possibility of any foreign 'potentate claiming a right to land troops in England without 'the consent of Parliament.' To speak of such monstrous pretensions so calmly, and to treat this Circular as an indiscretion, did therefore seem to Mr Wilberforce rather too courtier-like. Accordingly, the noble person seems to have improved the strength of his commodity in consequence of this hint, by a sort of retrospective operation; for we find him stating, in explanation, that he had before said, that 'if he could express his dis-'sent from those principles in terms more strong than he had 'used, he would have adopted them.' It is fair to add, that there may possibly be some omission in the account of the debate now before us, though it appears to be remarkably full and accurate; and something more may have been expressed by Lord Castlereagh in his first speech—though Mr Wilberforce's complaint gives great countenance to what we have given from the Report as the course of the discussion. Mr S. Wortley expressed himself satisfied with the explanation; but protested strongly against the doctrines of the Circular. 'If such a tri-'bunal of monarchs,' he said, 'were suffered to exist in Eu-'rope, then he would say, not only that Europe was not safe, 'but the British Constitution was not safe. He saw, in such a 'tribunal, dangers without end, not only to others, but to the 'Throne of this country.' He admitted that a case might possibly be made out for Austria marching against Naples; but, 'with respect to the conduct of those monarchs, in forming a 'court to summon before them the monarch of a free country, 'because he gave to his people a constitution of which that 'people were at the time in possession, he declared that it was 'an act of tyranny against which, as a member of the British 'Parliament, he must raise his voice.' Mr Ward, who op-

posed the motion, upon the ground of confidence in the Ministers, pronounced perhaps the most severe and unqualified censure upon the whole proceedings of the Allies which had been uttered on either side of the House. He described the Congress as 'a Tribunal instituted for the avowed purpose of controling the conduct of other States, not occasionally, or on any particular emergency, but permanently and systematically.' This 'truly awful phenomenon,' as he termed it, 'was a novelty in the history of the world. If the tyranny of the Holy Alliance were thus to be planted over all Europe, we had no reason to congratulate ourselves upon our escape, either from the French Revolution or from Buonaparte. Ages, he said, might revolve, before an individual should arise like that astonishing man; but the sovereigns at Troppau were the productions of every day and every country, and there was no hope that their system of tyranny would end.' He contrasted the lustre which Buonaparte's genius had shed over his despotism and his injustice, and the chance afforded of something better arising out of his domination—with 'this new system of despotism, which was all gloomy and hopeless darkness.' He compared the Confederates to the Jacobins of 1792: the latter proscribed monarchy every where; the former were endeavouring to proscribe freedom. Theirs was not, he said, 'the hasty act of revolutionary demagogues, but the stern and deliberate resolve of statesmen, who publicly proclaimed a crusade against the liberty of Europe.' If England herself, he added, was safe from their attempts, 'it was only because she was strong; for the principles avowed by the Congress must make her the object of their aversion, engaged as they were in an attempt to trample on all freedom.' And he plainly intimated, that the system on which those powers were now acting, was 'a reason for making our connexion with them less intimate.'

We have been thus minute in our references to the speeches against the motion, and delivered by men of various descriptions, but all friends of the Ministry, in order to demonstrate, that the division by which it was lost, proves nothing respecting the opinion of Parliament upon the merits of the question; and to show also, that those who supported the Government, delivered in strong language their opinions against the infamous principles laid down by the Allies. Two circumstances may be added in confirmation of the position, that those principles neither deserved nor found, even from the most devoted adherents of the Ministry, any countenance within the walls of a House, too often accused of indiscriminately leaning to the side of power. Mr Tierney stated, that a 'remonstrance had been made

'by a foreign court to ours, against a change of the ministry 'some time ago, when such an event was apprehended.' Nothing like a satisfactory contradiction was given to this assertion. On the contrary, if we may credit the Parliamentary Report, Mr Robinson, (who is in the Cabinet), while affecting to deny it, let out, that some such remonstrance might have been made; and hinted at the grounds of it. Mr Tierney then told the story at length, from which it appears, that a jest of his in conversation, respecting the liberation of Buonaparte, had been transmitted by the diplomatick agents of the Allies; and that one of their Majesties having remonstrated, and being told it was a joke, another of those sacred personages had expressed his opinion, that such jokes should be punished by the Government. We mention this anecdote, for the purpose of showing the restless, meddling spirit which prevails among those Confederates. No wonder, indeed, that such things are too strong for the palate even of the most servile followers of a British minister. Accordingly, when, at the close of the debate, Mr Brougham asserted that 'there was not one man in the House of Commons' who did not join in the disapprobation expressed on all sides, of the principles avowed by the Congress; and, 'in order that it might go out to Laybach,' called upon any one who held a more favourable opinion of them, to declare it:—no person was found to interrupt the unanimity which prevailed. Indeed, we might go further, in all likelihood, and affirm, that the good wishes of all parties for the Neapolitans, as against their invaders, are nearly as universal. But here the question of confidence in the Government interferes, and the majority are fain to keep those good wishes to themselves. To all who know the force of this consideration, the division of only 194 to 125, upon such a question, speaks loudly in favour of the view which we have taken.

Let, then, the Allies dismiss all doubts from their minds with regard to the light in which they are viewed in England. Their conduct is the object of as unsparing detestation as was ever bestowed upon that greatest act of robbery and murder which the courtesies, or the defects of language, ever veiled under the equivocal appellation of a public measure, the partition of Poland. To be respected in this free and enlightened country, was, a few years ago, apparently an object of ambition with those Sovereigns; and they looked, it was said, to the people, and at any rate to the Parliament, for applause. It may no longer be deemed worth their while to seek the same tribute; but if it be, we will assert, that, to escape execration, deep as lasting, and to regain the popularity which they have lost, with-

in the walls of Parliament as well as without, they have but one course to take; they must abandon the principles of their Manifesto, and cease to intermeddle with the domestic affairs of their neighbours. Nor let them reckon too surely upon the forbearance even of a weak, distracted, and narrowminded Government. The voice of the People may fortify, while it stimulates their Rulers; and if the sad result of past wars has been to cripple our resources beyond all former example, our interference would at least carry some weight with it, as the mere expression of the national good will; and a league of the Powers menaced by the Combined Princes, under the sanction of England, would prove formidable to armies acting against the unanimous voice of the people, wherever they march; while our maritime positions in the south of Europe, with a very trifling armament, would help us to annoy Cabinets whose finances are not in much better plight than our own.

The Ministers have very plainly avowed their opinion in favour of Austria, as far as the question is between her and Naples; while they coincided with the sentiments so unanimously expressed on all sides against the general principles of the Allies promulgated from Troppau. The consistency of this distinction, we own, escapes our penetration. The Austrian government attacks Naples upon the ground of those principles; is supported by the other two Powers in the manifestoes issued; and is to have their cooperation if necessary. Does not the suspicion naturally enough arise, that our Government would have inclined towards the whole proceedings of the Congress, but for the approaching assembly of Parliament? At least, the disapprobation expressed of the Circular was delayed till the very eve of the meeting; and the reasons given in defence of Austria, wear an extremely suspicious appearance. They are chiefly these two; the treatment of Sicily by the New Government, and the sect of the Carbonari. We say, these reasons can hardly be stated in good earnest as the defence of Austria, not only because they are most flimsy, but because they are not the real grounds upon which the Allies proceed. When a manifesto is to be prepared, justifying an act of hostility, every thing is put in which can attract support from any quarter; and sometimes (though not in this case) the real ground of proceeding is suppressed. The Austrians may therefore have mentioned, among others, the two reasons in question. But who can for an instant doubt that Naples is attacked upon the general principles laid down in the Circular? This, moreover, is admitted to be only part of the combined plan; and the Allies just as openly reprobate the changes in Spain and Portugal as that in Italy; and

would march to Madrid and Lisbon just as cheerfully as to Naples, if they could hope to do so as easily. Nay, should they succeed in their first enterprise against liberty and national independence, no man affects to doubt that they will extend their operations exactly as far as, in the same line, the rest of Europe will suffer them.

Of the two reasons, that relating to the Carbonari is the most calculated to create an impression upon thoughtless persons in England; yet it is by far the more absurd. Any thing like a secret society is alien to our habits, and odious to our feelings; and the alarms excited by attempts of this nature among ourselves, make us open our ears readily to the mischiefs which such agency may do abroad. But it must never be forgotten, that a despotism, whether foreign or domestic, can hardly be overthrown without proceedings of this description; and that the Carbonari are in fact the *people* of the Neapolitan dominions. On this point, however, there is no occasion to enlarge; for, be the Association ever so blameworthy, its existence can be no excuse to the Austrians. There is, say the defenders of that power, an extensive conspiracy, which strikes its roots into all the Austrian States in Italy, as well as into Naples. The members are now to be found every where in Italy; and, under other names, they have branches in Germany. In Naples, they have overturned the Government; therefore, unless crushed there, they may overturn the Austrian Government both in Italy and Germany. Grant all the assumptions of fact upon which this inference rests; it does not follow that Austria has any right to interfere. She may watch the sect in her own dominions; she may put it down as often as she can detect it; its success in Naples may furnish additional motives for vigilance, and reasons for vigorously repressing it at home; but not the shadow of an excuse for attacking a foreign and independent State in which it has proved successful, until its principles promulgated and actively carrying into effect, are levelled against Austria or her Allies. In 1792, a warlike spirit ran high enough in England; but did any man ever dream of defending the war with France, upon the ground that there were Clubs in both countries, and that, in France, they were triumphant over the Government? The defence always resorted to was, that in France the Government (or call it the Clubs) had issued a decree which placed it at war with all other governments; that, in a word, the French had begun, by declaring war with all their neighbours who would not follow the example of their revolution. The Neapolitans have most scrupulously avoided every thing that could wear the semblance of even disrespect towards

any other power; much less interference with its concerns; and the circumstances of their situation gave the best pledge for the sincerity of their professions.

We have already remarked, that, to think of predicting the results of the contest which so rivets the attention of mankind, would be absurd, as the event will, in all probability, be decided before these sheets can meet the light. But we may be permitted to join with all good men in every country, and with almost the whole people of this empire, in most fervently praying for the signal discomfiture of the Allies. Sooner or later, in such a cause, and in this age, their failure seems inevitable; but their speedy discomfiture would be a lesson to the people, and a warning to tyrants, which could not fail to produce in every country the most beneficial effects.

ART. V. *Anastasius; or Memoirs of a Greek, written in the 18th Century.* London. Murray. 3 vol. 8vo.

ANASTASIUS is a sort of oriental Gil Blas, who is tossed about from one state of life to another,—sometimes a beggar in the streets of Constantinople, and, at others, an officer of the highest distinction under an Egyptian Bey,—with that mixture of good and evil, of loose principles and popular qualities,—which, against our moral feelings and better judgment, render a novel pleasing, and an hero popular. Anastasius is a greater villain than Gil Blas, merely because he acts in a worse country, and under a worse government. Turkey is a country in the last stage of *Castlereagh-ery* and *Vansittartism*; it is in that condition to which we are steadily approaching—a political *finish*;—the sure result of just and necessary wars, interminable burthens upon affectionate people, green bags, strangled sultanas, and murdered mobs. There are, in the world, all shades and gradations of tyranny. The Turkish, or last, puts the pistol and stiletto in action. Anastasius, therefore, among his other pranks, makes nothing of two or three murders; but they are committed in character, and are suitable enough to the temper and disposition of a lawless Turkish soldier; and this is the justification of the book, which is called wicked, but for no other reason than because it accurately paints the manners of a people become wicked from the long and uncorrected abuses of their Government.

One cardinal fault which pervades this work is, that it is too long;—in spite of the numerous fine passages with which it abounds, there is too much of it;—and it is a relief, not a disap-

pointment, to get to the end. Mr Hope, too, should avoid humour, in which he certainly does not excel. His attempts of that nature are among the most serious parts of the book. With all these objections, (and we only mention them in case Mr Hope writes again), there are few books in the English language which contain passages of greater power, feeling, and eloquence, than this novel,—which delineate frailty and vice with more energy and acuteness, or describe historical scenes with such bold imagery, and such glowing language. Mr Hope will excuse us,—but we could not help exclaiming, in reading it, Is this Mr Thomas Hope?—Is this the man of chairs and tables—the gentleman of sphinxes—the Œdipus of coal-boxes—he who meditated on muffineers and planned pokers?—Where has he hidden all this eloquence and poetry up to this hour?—How is it that he has, all of a sudden, burst out into descriptions which would not disgrace the pen of Tacitus—and displayed a depth of feeling, and a vigour of imagination, which Lord Byron could not excel? We do not shrink from one syllable of this eulogium. The work now before us places him at once in the highest list of eloquent writers, and of superior men.

Anastasius, the hero of the tale, is a native of Chios, the son of the drogueman to the French consul. The drogueman, instead of bringing him up to make Latin verses, suffered him to run wild about the streets of Chios, where he lives for some time a lubberly boy, and then a profligate youth. His first exploit is to debauch the daughter of his acquaintance, from whom (leaving her in a state of pregnancy) he runs away, and enters as a cabin-boy in a Venetian brig. The brig is taken by Maynote pirates; the pirates by a Turkish frigate, by which he is landed at Nauplia, and marched away to Argos, where the captain, Hassan Pacha, was encamped with his army.

'I had never seen an encampment; and the novel and striking sight absorbed all my faculties in astonishment and awe. There seemed to me to be forces sufficient to subdue the whole world; and I knew not which most to admire, the endless clusters of tents, the enormous piles of armour, and the rows of threatening cannon, which I met at every step, or the troops of well mounted spahees, who, like dazzling meteors, darted by us on every side, amid clouds of stifling dust. The very dirt with which the nearer horsemen bespattered our humble troop, was, as I thought, imposing; and every thing upon which I cast my eyes gave me a feeling of nothingness, which made me shrink within myself like a snail in its cell. I envied not only those who were destined to share in all the glory and success of the expedition, but even the meanest follower of the camp, as a being of a superior order to myself; and, when suddenly there arose a loud flourish of trumpets, which, ending in a concert of cymbals and other

warlike instruments, re-echoed in long peals from all the surrounding mountains, the clang shook every nerve in my body, thrilled me to the very soul, and infused in all my veins a species of martial ardour so resistless, that it made me struggle with my fetters, and try to tear them asunder. Proud as I was by nature, I would have knelt to whoever had offered to liberate my limbs, and to arm my hands with a sword or a battle-axe.' I. 36, 37.

From his captive state he passes into the service of Mavroyeni, Hassan's drogueman, with whom he ingratiates himself, and becomes a person of consequence. In the service of this person, he receives from old Demo, a brother domestic, the following admirable lecture on masters.

' " Listen, young man," said he, " whether you like it or not. For my own part, I have always had too much indolence, not to make it my study throughout life rather to secure ease than to labour for distinction. It has therefore been my rule to avoid cherishing in my patron any outrageous admiration of my capacity, which would have increased my dependence while it lasted, and exposed me to persecution on wearing out:—but you, I see, are of a different mettle: I therefore may point out to you the surest way to that more perilous height, short of which your ambition I doubt will not rest satisfied. When you have compassed it, you may remember old Demo, if you please.

' " Know first that all masters, even the least lovable, like to be loved. All wish to be served from affection rather than duty. It flatters their pride, and it gratifies their selfishness. They expect from this personal motive a greater devotion to their interest, and a more unlimited obedience to their commands. A master looks upon mere fidelity in his servant as his due,—as a thing scarce worth his thanks: but attachment he considers as a compliment to his merit, and, if at all generous, he will reward it with liberality. Mavroyeni is more open than any body to this species of flattery. Spare it not therefore. If he speak to you kindly, let your face brighten up. If he talk to you of his own affairs, though it should only be to dispel the tedium of conveying all day long other men's thoughts, listen with the greatest eagerness. A single yawn, and you are undone! Yet let not curiosity appear your motive, but the delight only of being honoured with his confidence. The more you appear grateful for the least kindness, the oftener you will receive important favours. Our ostentatious drogueman will feel a pleasure in raising your astonishment. His vanity knows no bounds. Give it scope therefore. When he comes home choking with its suppressed ebullitions, be their ready and patient receptacle:—do more; discreetly help him on in venting his conceit; provide him with a cue; hint what you heard certain people, not knowing you to be so near, say of his capacity, his merit, and his influence. He wishes to persuade the world that he completely rules the Pasha. Tell him not flatly he does, but as-

sume it as a thing of general notoriety. Be neither too candid in your remarks, nor too fulsome in your flattery. Too palpable deviations from fact might appear a satire on your master's understanding. Should some disappointment evidently ruffle his temper, appear not to conceive the possibility of his vanity having received a mortification. Preserve the exact medium between too cold a respect, and too presumptuous a forwardness. However much Mavroyeni may caress you in private, never seem quite at ease with him in public. A master still likes to remain master, or at least, to appear so to others. Should you get into some scrape, wait not to confess your imprudence, until concealment becomes impossible; nor try to excuse the offence. Rather than that you should, by so doing, appear to make light of your guilt, exaggerate your self-upbraidings, and throw yourself entirely upon the drogueman's mercy. On all occasions take care how you appear cleverer than your lord, even in the splitting of a pen: or if you cannot avoid excelling him in some trifle, give his own tuition all the credit of your proficiency. Many things he will dislike, only because they come not from himself. Vindicate not your innocence when unjustly rebuked: rather submit for the moment; and trust that, though Mavroyeni never will expressly acknowledge his error, he will in due time pay you for your forbearance."' I. 43–45.

In the course of his service with Mavroyeni, he bears arms against the Arnoots, under the Captain Hassan Pacha; and a very animated description is given of his first combat.

'I undressed the dead man completely.—When, however, the business which engaged all my attention was entirely achieved, and that human body, of which, in the eagerness for its spoil, I had only thus far noticed the separate limbs one by one, as I stripped them, all at once struck my sight in its full dimensions, as it lay naked before me;—when I contemplated that fine athletic frame, but a moment before full of life and vigor unto its fingers' ends, now rendered an insensible corpse by the random shot of a raw youth whom in close combat its little finger might have crushed, I could not help feeling, mixed with my exultation, a sort of shame, as if for a cowardly advantage obtained over a superior being; and, in order to make a kind of atonement to the shade of an Epirote—of a kinsman—I exclaimed with outstretched hands, "Cursed be the paltry dust which turns the warrior's arm into a mere engine, and striking from afar an invisible blow, carries death no one knows whence to no one knows whom; levels the strong with the weak, the brave with the dastardly; and, enabling the feeblest hand to wield its fatal lightning, makes the conqueror slay without anger, and the conquered die without glory."' I. 54, 55.

The campaign ended, he proceeds to Constantinople with the Drogueman, where his many intrigues and debaucheries end with the Drogueman's turning him out of doors. He lives for

some time at Constantinople in great misery; and is driven, among other expedients, to the trade of quackdoctor.

'One evening, as we were returning from the Blacquernes, an old woman threw herself in our way, and, taking hold of my master's garment, dragged him almost by main force after her into a mean-looking habitation just by, where lay on a couch, apparently at the last gasp, a man of foreign features. "I have brought a physician," said the female to the patient, "who, perhaps, may relieve you." "Why will you"—answered he faintly—"still persist to feed idle hopes! I have lived an outcast: suffer me at least to die in peace; nor disturb my last moments by vain illusions. My soul pants to rejoin the supreme Spirit; arrest not its flight: it would only be delaying my eternal bliss!"

'As the stranger spoke these words—which struck even Yacoob sufficiently to make him suspend his professional grimace—the last beams of the setting sun darted across the casement of the window upon his pale, yet swarthy features. Thus visited, he seemed for a moment to revive. "I have always," said he, "considered my fate as connected with the great luminary that rules the creation. I have always paid it due worship, and firmly believed I could not breathe my last whilst its rays shone upon me. Carry me therefore out, that I may take my last farewell of the heavenly ruler of my earthly destinies!"

'We all rushed forward to obey the mandate: but the stairs being too narrow, the woman only opened the window, and placed the dying man before it, so as to enjoy the full view of the glorious orb, just in the act of dropping beneath the horizon. He remained a few moments in silent adoration; and mechanically we all joined him in fixing our eyes on the object of his worship. It set in all its splendour; and when its golden disk had entirely disappeared, we looked round at the Parsee. He too had sunk into everlasting rest.' I. 103, 104.

From the dispensation of Chalk and Water, he is then ushered into a Turkish jail, the description of which, and of the plague with which it is visited, are very finely written; and we strongly recommend them to the attention of our readers.

'Every day a capital fertile in crimes pours new offenders into this dread receptacle; and its high walls and deep recesses resound every instant with imprecations and curses, uttered in all the various idioms of the Othoman empire. Deep moans and dismal yells leave not its frightful echoes a moment's repose. From morning till night and from night till morning, the ear is stunned with the clang of chains, which the galley-slaves wear while confined in their cells, and which they still drag about when toiling at their tasks. Linked together two and two for life, should they sink under their sufferings, they still continue unsevered after death; and the man doomed to live on, drags after him the corpse of his dead companion. In no direction can the

eye escape the spectacle of atrocious punishments and of indescribable agonies. Here, perhaps, you see a wretch whose stiffened limbs refuse their office, stop suddenly short in the midst of his labour, and, as if already impassible, defy the stripes that lay open his flesh, and wait in total immobility the last merciful blow that is to end his misery; while, there, you view his companion foaming with rage and madness, turn against his own person his desperate hands, tear his clotted hair, rend his bleeding bosom, and strike his skull, until it burst, against the wall of his dungeon.' I. 110, 111.

A few survived.

'I was among these scanty relics. I who, indifferent to life, had never stooped to avoid the shafts of death, even when they flew thickest around me, had more than once laid my finger on the livid wound they inflicted, had probed it as it festered, I yet remained unhurt: for sometimes the plague is a magnanimous enemy, and, while it seldom spares the pusillanimous victim, whose blood running cold ere it is tainted, lacks the energy necessary to repel the infection when at hand, it will pass him by who dares its utmost fury, and advances undaunted to meet its raised dart.' I. 121.

In this miserable receptacle of guilty and unhappy beings, Anastasius forms and cements the strongest friendship with a young Greek, of the name of Anagnosti. On leaving the prison, he vows to make every exertion for the liberation of his friend—vows that are forgotten nearly as soon as he is clear from the prison walls. After being nearly perished with hunger, and after being saved by the charity of an hospital, he gets into an intrigue with a rich Jewess—is detected—pursued—and, to save his life, turns Mussulman. This exploit performed, he suddenly meets his friend Anagnosti—treats him with disdain—and, in a quarrel which ensues between them, stabs him to the heart.

'"Life," says the dying Anagnosti, "has long been bitterness; death is a welcome guest: I rejoin those that love me,—and in a better place. Already, methinks, watching my flight, they stretch out their arms from heaven to their dying Anagnosti. Thou,—if there be in thy breast one spark of pity left for him thou once namedst thy brother; for him to whom a holy tie, a sacred vow . . . . . Ah! suffer not the starving hounds in the street . . . . . See a little hallowed earth thrown over my wretched corpse." These words were his last.' I. 209.

The description of the murderer's remorse is among the finest passages in the work.

'From an obscure aisle in the church I beheld the solemn service; saw on the field of death the pale stiff corpse lowered into its narrow cell, and hoping to exhaust sorrow's bitter cup, at night, when all mankind hushed its griefs, went back to my friend's final resting-place, lay down upon his silent grave, and watered with my tears the fresh raised hollow mound.

'In vain! Nor my tears nor my sorrows could avail. No offerings nor penance could purchase me repose. Wherever I went, the beginning of our friendship and its issue still alike rose in view; the fatal spot of blood still danced before my steps, and the reeking dagger hovered before my aching eyes. In the silent darkness of the night I saw the pale phantom of my friend stalk round my watchful couch, covered with gore and dust; and even during the unavailing riots of the day, I still beheld the spectre rise over the festive board, glare on me with piteous look, and hand me whatever I attempted to reach. But whatever it presented seemed blasted by its touch. To my wine it gave the taste of blood, and to my bread the rank flavour of death!' I. 212, 213.

We question whether there is in the English language a finer description than this. We request our readers to look at the very beautiful and affecting picture of remorse, pp. 214, 215, Vol. I.

Equally good, but in another way, is the description of the Opium Coffeehouse.

'In this tchartchee might be seen any day a numerous collection of those whom private sorrows have driven to a public exhibition of insanity. There each reeling idiot might take his neighbour by the hand, and say, "Brother, and what ailed thee, to seek so dire a cure?" There did I with the rest of its familiars now take my habitual station in my solitary niche, like an insensible motionless idol, sitting with sightless eyeballs staring on vacuity.

'One day, as I lay in less entire absence than usual under the purple vines of the porch, admiring the gold-tipped domes of the majestic Sulimanye, the appearance of an old man with a snow-white beard, reclining on the couch beside me, caught my attention. Half plunged in stupor, he every now and then burst out into a wild laugh, occasioned by the grotesque phantasms which the ample dose of madjoon he had just swallowed was sending up to his brain. I sat contemplating him with mixed curiosity and dismay, when, as if for a moment roused from his torpor, he took me by the hand, and fixing on my countenance his dim vacant eyes, said in an impressive tone, "Young man, thy days are yet few; take the advice of one who, alas! has counted many. Lose no time; hie thee hence, nor cast behind one lingering look: but if thou hast not the strength, why tarry even here? Thy journey is but half achieved. At once go on to that large mansion before thee. It is thy ultimate destination; and by thus beginning where thou must end at last, thou mayest at least save both thy time and thy money.' I. 215, 216.

Lingering in the streets of Constantinople, Anastasius hears that his mother is dead, and proceeds to claim that heritage which, by the Turkish law in favour of proselytes, had devolved upon him.

'How often,' he exclaims (after seeing his father in the extremity of old age)—'How often does it happen in life, that the

most blissful moments of our return to a long left home are those only that just precede the instant of our arrival; those during which the imagination still is allowed to paint in its own unblended colours the promised sweets of our reception! How often, after this glowing picture of the phantasy, does the reality which follows appear cold and dreary! How often do even those who grieved to see us depart, grieve more to see us return! and how often do we ourselves encounter nothing but sorrow, on again beholding the once happy, joyous, promoters of our own hilarity, now mournful, disappointed, and themselves needing what consolation we may bring!' I. 239, 240.

During his visit to Chios, he traces and describes the dying misery of Helena, whom he had deserted, and then debauches her friend Agnes. From thence he sails to Rhodes, the remnants of which produce a great deal of eloquence and admirable description—(pp. 275, 276, Vol. I.) From Rhodes he sails to Egypt; and Chap. 16. contains a short and very well written history of the origin and progress of the Mameluke government. The flight of Mourad, and the pursuit of this chief in the streets of Cairo, * would be considered as very fine passages in the best histories of antiquity. Our limits prevent us from quoting them. Anastasius then becomes a Mameluke; marries his master's daughter; and is made a Kiashef. In the numerous skirmishes into which he falls, in his new military life, it falls to his lot to shoot, from an ambush, Assad his inveterate enemy.

'Assad, though weltering in his blood, was still alive: but already the angel of death flapped his dark wings over the traitor's brow. Hearing footsteps advance, he made an effort to raise his head, probably in hopes of approaching succour: but beholding, but recognising only me, he felt that no hopes remained, and gave a groan of despair. Life was flowing out so fast, that I had only to stand still—my arms folded in each other,—and with a stedfast eye to watch its departure. One instant I saw my vanquished foe, agitated by a convulsive tremor, open his eyes and dart at me a glance of impotent rage; but soon he averted them again, then gnashed his teeth, clenched his fist, and expired.' II. 92.

We quote this, and such passages as these, to show the great power of description which Mr Hope possesses. The vindictive man standing with his arms folded, and watching the blood flowing from the wound of his enemy, is very new and very striking.

After the death of his wife, he collects his property, quits Egypt, and visits Mekkah, and acquires the title and prerogatives of an Hadjee. After this he returns to the Turkish capi-

* P. 325, Vol. I.

tal, renews his acquaintance with Spiridion, the friend of his youth, who in vain labours to reclaim him, and whom he at last drives away, disgusted with the vices and passions of Anastasius. We then find our Oriental profligate fighting as a Turkish captain in Egypt, against his old friends the Mamelukes; and afterwards employed in Wallachia, under his old friend Mavroyeni, against the Russians and Austrians. In this part of the work, we strongly recommend to our readers to look at the Mussulmans in a pastry-cook's shop during the Rhamadam, Vol. II. p. 164; the village of beggars, Vol. II. p. 266; the death of the Hungarian officer, Vol. II. p. 327; and the last days of Mavroyeni, Vol. II. p. 356;—not forgetting the walk over a field of battle, Vol. II. p. 252. The character of Mavroyeni is extremely well kept up through the whole of the book; and his decline and death are drawn in a very spirited and masterly manner. The Spiridion part of the novel we are not so much struck with; we entirely approve of Spiridion, and ought to take more interest in him; but we cannot disguise the melancholy truth that he is occasionally a little long and tiresome. The next characters assumed by Anastasius are, a Smyrna debauchee, a robber of the desert, and a Wahabee. After serving some time with these sectaries, he returns to Smyrna,—finds his child missing, whom he had left there,—traces the little boy to Egypt,—recovers him,—then loses him by sickness;—and, wearied of life, retires to end his days in a cottage in Carinthia. For striking passages in this part of the novel, we refer our readers to the description of the burial-places near Constantinople, Vol. III. 11—13. The account of Djezzar Pacha's retirement to his harem during the revolt,—equal to any thing in Tacitus; and, above all, to the landing of Anastasius with his sick child, and the death of the infant. It is impossible not to see that this last picture is faithfully drawn from a sad and cruel reality. The account of the Wahabees is very interesting, Vol. III. 128; and nothing is more so than the story of Euphrosyne. Anastasius had gained the affections of Euphrosyne, and ruined her reputation; he then wishes to cast her off, and to remove her from his house.

'"Ah no!" now cried Euphrosyne, convulsively clasping my knees: "be not so barbarous! Shut not your own door against her, against whom you have barred every once friendly door. Do not deny her whom you have dishonoured the only asylum she has left. If I cannot be your wife, let me be your slave, your drudge. No service, however mean, shall I recoil from when you command. At least before you I shall not have to blush. In your eyes I shall not be what I must seem in those of others: I shall not from you incur

the contempt, which I must expect from my former companions; and my diligence to execute the lowest offices you may require, will earn for me, not wholly as a bare alms at your hands, that support which, however scanty, I can elsewhere only receive as an unmerited indulgence. Since I did a few days please your eye, I may still please it a few days longer:—perhaps a few days longer therefore I may still wish to live; and when that last blessing, your love, is gone by,—when my cheek, faded with grief, has lost the last attraction that could arrest your favour, then speak, then tell me so that, burthening you no longer, I may retire—and die!" ' III. 64, 65.

Her silent despair, and patient misery, when she finds that she has not only ruined herself with the world, but lost his affections also, has the beauty of the deepest tragedy.

' Nothing but the most unremitting tenderness on my part could in some degree have revived her drooping spirits.—But when, after my excursion, and the act of justice on Sophia in which it ended, I re-appeared before the still trembling Euphrosyne, she saw too soon that that cordial of the heart must not be expected. One look she cast upon my countenance, as I sat down in silence, sufficed to inform her of my total change of sentiments;—and the responsive look by which it was met, tore for ever from her breast the last seeds of hope and confidence. Like the wounded snail she shrunk within herself, and thenceforth, cloked in unceasing sadness, never more expanded to the sunshine of joy. With her buoyancy of spirits she seemed even to lose all her quickness of intellect, nay all her readiness of speech: so that, not only fearing to embark with her in serious conversation, but even finding no response in her mind to lighter topics, I at last began to nauseate her seeming torpor and dulness, and to roam abroad even more frequently than before a partner of my fate remained at home, to count the tedious hours of my absence; while she—poor miserable creature—dreading the sneers of an unfeeling world, passed her time under my roof in dismal and heart-breaking solitude.—Had the most patient endurance of the most intemperate sallies been able to soothe my disappointment and to soften my hardness, Euphrosyne's angelic sweetness must at last have conquered: but in my jaundiced eye her resignation only tended to strengthen the conviction of her shame: and I saw in her forbearance nothing but the consequence of her debasement, and the consciousness of her guilt. "Did her heart," thought I, "bear witness to a purity on which my audacity dared first to cast a blemish, she could not remain thus tame, thus spiritless, under such an aggravation of my wrongs; and either she would be the first to quit my merciless roof, or at least she would not so fearfully avoid giving me even the most unfounded pretence for denying her its shelter.—She must merit her sufferings, to bear them so meekly!" '—' Hence, even when moved to real pity by gentleness so enduring, I seldom relented in my apparent sternness.' III. 72–74.

With this we end our extracts from Anastasius. We consi-

der it as a work in which great and extraordinary talent is evinced. It abounds in eloquent and sublime passages,—in sense,—in knowledge of history,—and in knowledge of human character;—but not in wit. It is too long; and, if this novel perishes, and is forgotten, it will be solely on that account. If it is the picture of vice, so is Clarissa Harlowe, and so is Tom Jones. There are no sensual and glowing descriptions in Anastasius,—nothing which corrupts the morals by inflaming the imagination of youth; and we are quite certain that every reader ends this novel with a greater disgust at vice, and a more thorough conviction of the necessity of subjugating passion, than he feels from reading either of the celebrated works we have just mentioned. The sum of our eulogium is, that Mr Hope, without being very successful in his story, or remarkably skilful in the delineation of character, has written a novel, which all clever people of a certain age should read, because it is full of marvellously fine things.

ART. VI. *The Opinions of Messrs* SAY, SISMONDI, *and* MALTHUS, *on the Effects of Machinery and Accumulation, Stated and Examined.* London, 1821.

FROM the publication of the 'Wealth of Nations' in 1776, down to the peace of 1815, it appears to have been generally agreed, that the great practical problem of the science of Political Economy resolved itself into a discussion of the means whereby the greatest possible produce might be rendered obtainable with the least possible expense; and that the true measure of the increase or diminution of national wealth was to be found in the extent to which the commodities produced in a given period, exceeded or fell short of those consumed in the same period. The principles from which these conclusions were deduced, appeared to be almost self-evident and incontrovertible. 'Every man is rich or poor, according to the degree in which he can afford to enjoy the necessaries, conveniencies, and amusements of human life.'* And, as it is conceded on all hands, that these necessaries and conveniencies,—whatever effect the institutions of society may have had on their distribution,—must have been *primarily* obtained by labour, it seems impossible to doubt, that the wealth and riches of every country, or, which is the same thing, its supply of necessaries and conveniencies, must be aug-

* Wealth of Nations, vol. i. p. 43.

mented whenever the quantity of labour required for their production is diminished. Suppose the labour necessary to produce hats were reduced to a tenth of what it is at this moment, it is plain that the same quantity of labour which is now required to obtain *one* hat, would then obtain *ten* hats; and as the great bulk of mankind have only labour to give in exchange for commodities, their condition would, in consequence, be considerably improved. Instead, however, of being confined to one, a similar reduction might take place in the cost of producing *all* commodities; and, if such were the case, it is extremely difficult to perceive how we should not be ten times richer—that is, have ten times more of the necessaries and luxuries of life at our disposal.

But, notwithstanding the apparent reasonableness of these conclusions, their correctness has lately been called in question by writers of considerable eminence. Dr Smith is accused of having mistaken the object of the science. That object, it is now said, is not to facilitate production, but to stimulate consumption. An increase of demand, and not of supply, is stated to be the real desideratum—we are said to produce too much, and to consume too little. And the regorgement which has been felt in almost all the channels of industry since the peace, added to the extreme difficulty of finding a market for various commodities whose cost of production has been much diminished, has been triumphantly appealed to as a conclusive proof of the soundness of the theory which teaches, that the saving of labour in the production of commodities may be carried too far—that the excess of wealth may be accompanied with all the evils of poverty—and that a great propensity to save and accumulate capital, or a sudden reduction of taxation, may frequently reduce the population to a state of absolute starvation!

But, whatever truth may be in these novel and extraordinary conclusions, they can derive no support from the distresses in which the productive classes in this country have been involved during the last five or six years. These may be satisfactorily accounted for, on the supposition that they have proceeded from entirely different causes; from our being suddenly deprived of that monopoly of the commerce of the world we enjoyed during the latter years of the war; and from the increase in the value of the currency, which has really added from 25 to 30 per cent. to the already enormous weight of the public burdens. We have, in former articles, endeavoured to show, that these have been the principal causes of the comparative embarrassments of the commercial and agricultural classes since the peace. And as it is impossible to deny that they must have exerted a very powerful influence, it is plain the existing distress does not afford any

solid presumption in favour of the opinions of Messrs Sismondi and Malthus, the principal supporters of the new doctrines. They must, therefore, be tried by a different test. And as there is no conclusive experience in their favour, we must endeavour, by the aid of a careful analysis, to ascertain their truth or falsehood.

Before proceeding to examine the objections which have been stated to the continued reduction in the price of commodities caused by the indefinite extension and improvement of machinery, we may observe, that the same objections would equally apply to the continued and indefinite improvement of the skill and industry of the labourer. If the construction of a machine that would manufacture two pairs of stockings for the same expense that had previously been required to manufacture one pair, be in any circumstances injurious to society, it would be equally injurious were the same thing accomplished by an increase of dexterity and skill on the part of the knitters;—if, for example, the females who were in the habit of knitting two or three pairs of stockings in the week, should in future be able to knit four or six pairs. There is obviously no difference in these cases. And if the demand for stockings was already sufficiently supplied, M. Sismondi could not, consistently with the principles he has advanced in his late work (*Nouveaux Principes*, tome 2de, p. 318.), hesitate about condemning this improvement as a very great evil—as a means of throwing *half* the people engaged in the stocking manufacture out of employment. The question respecting the improvement of machinery is, therefore, at bottom, the same with the question respecting the improvement of the science, ingenuity, skill, and industry of the labourer. The principles which regulate our decision in the one case, must also regulate it in the other. If it be advantageous that the skill of the labourer should be indefinitely extended—that he should be enabled to produce a vastly greater quantity of commodities with the same, or a less, quantity of labour, it must also be advantageous that he should avail himself of the assistance of such machines as may most effectually assist him in bringing about this result.

In order the better to appreciate the effects resulting from an increase in the manual skill and dexterity of the labourer, or from an improvement in the tools or machines used by him, let us suppose that the productive powers of industry are *universally* augmented, and that the workmen engaged in every different employment can, with the same exertion, produce *ten* times the quantity of commodities as at present: Is it not evident that this increased facility of production would increase the wealth and enjoyments of every individual in a tenfold proportion?

The shoemaker who had formerly only manufactured *one* pair of shoes a day, would now be able to manufacture *ten* pairs. But as an equal improvement had taken place in every other department of industry, he would be able to obtain ten times the quantity of every other product in exchange for his shoes. In a country thus circumstanced, every workman would have a great quantity of his own work to dispose of, beyond what he had occasion for; and as every other workman would be in the same situation, each would be enabled to exchange their own goods for a great quantity, or, what comes to the same thing, for the price of a great quantity of those of others. The condition of such a society would be happy in the extreme. All the necessaries, luxuries, and conveniencies of life, would be universally diffused.

It may, however, be asked, would the *demand* be now sufficient to take off the increased quantity of commodities?—Would their excessive multiplication not cause such a glut of the market, as to force their sale at a lower price than what would be required to repay the diminished cost of production? But it is not necessary, in order to render an increase in the productive powers of labour advantageous to society, that these powers should always be exerted to the full extent. If the labourer's command over the necessaries and comforts of life were suddenly raised to ten times its present amount, (and this would really be the effect of the improvement in question), the consumption as well as the savings of the labourer would doubtless be very greatly increased; but it is not at all likely that he would continue to exert his full powers. In such a state of society we should no longer hear of workmen being engaged 12 or 14 hours a day in hard labour, or of children being immured from their tenderest years in a cotton-mill. The labourer would then be able, without endangering his means of subsistence, to devote a greater portion of his time to amusement, and to the cultivation of his mind. It is only where the productive powers of industry are comparatively feeble—where the labourer has to derive his supplies of food from soils of the fourth or fifth degree of fertility—and where an oppressive system of taxation abstracts a third or a fourth of the produce of his earnings, that he is compelled to make these excessive exertions. High wages are only advantageous because of the increased comforts they bring along with them; and of these, an addition to the time which may be devoted to purposes of amusement, is certainly not one of the least. Wherever wages are high, and little subject to fluctuation, the labourers are found to be active, intelligent, and industrious. But they do not prosecute their

employments with the same intensity as the miserable wretches who are obliged, by the pressure of the severest necessity, to strain every nerve to the utmost. They are enabled to enjoy their intervals of ease and relaxation; and they do enjoy them.

Suppose, however, that the productive powers of industry are increased ten times; nay, suppose they are increased ten thousand times, and that they are exerted to the utmost, still there is no reason to apprehend any lasting glut of the market. It is true, that those persons who were more industrious than their neighbours might produce commodities which those who were less industrious—who preferred indolence to exertion—might not have the means of purchasing, or for which they might not be able to furnish an *equivalent*. But the glut arising from this circumstance would speedily disappear. The object which every man has in view in exerting his productive powers, must be, either to consume the produce of his labour himself, or to exchange it for such commodities as he wishes to obtain from others. If he does the last—if he produces commodities, and offers them in exchange to others who are unable to furnish him with those he is desirous of obtaining, he is guilty of a miscalculation—he should himself *have directly produced them:* And if the government do not interfere to relieve him from the consequences of his error, he will immediately set about changing his employment, and will produce such commodities only as he means directly to consume. It is clear, therefore, that an *universally* increased facility of production, can never be the cause of a permanent overloading of the market. Suppose that the quantity of capital and industry invested in every different employment in this country, is now adjusted according to the effectual demand, and that they are *all* yielding the same nett profit; if the productive powers of labour be universally increased, the commodities produced will all preserve the same relative value to each other. Double or triple the quantity of one commodity will be given for double or triple the quantity of every other commodity. There would be a general augmentation of the wealth of the society; but there would be no excess of commodities in the market; the increased equivalents on the one side being precisely balanced by the increased equivalents on the other. But if, while one class of producers were industrious, another class chose to be idle, there would undoubtedly be a temporary excess: why, however, would the commodities produced by the industrious class be an excess? Is it not clear that it arises entirely from the *deficient* production of the idle class? It is not a consequence of production being too much increased, but

of its being too little increased. Increase it more—make the idle class equally productive with the others, and then they will be able to furnish them with equivalents for their commodities, and the surplus will immediately disappear. It is in vain that Mr Malthus supposes the existence of an *indisposition to consume*. There is no such indisposition in any country in the world;—not even in Mexico, to which Mr Malthus has specially referred. The indisposition is not to consume, but to produce. In Mexico, as elsewhere, a man is not entitled to consume the products of the industry of other men, unless he furnishes them with an equivalent; but the Mexican prefers indolence to the gratification which the commodities he might procure in exchange for the produce of his labour would give him. Mr Malthus has mistaken this indisposition to produce, for an indisposition to consume; and has, in consequence, been led to deny the proposition, that effective demand depends upon production.

Mr Malthus has himself stated, that the demand for a commodity depends 'on the *will* combined with the *power* to purchase it;' that is, on the power to furnish an equivalent for it. But when did we hear of a want of *will* to purchase commodities? The poorest beggar in the kingdom wishes to ride in a coach and six, to be clothed in velvets, and to drink champagne and burgundy. If the will alone could procure the necessaries and luxuries of life, we should all be as rich as Crœsus, and the market would constantly be understocked with commodities. It is the *power* that is the real and the *only* desideratum.—It is the not being able to furnish an equivalent for the commodities they wish to obtain, that involves the greater portion of society in want and wretchedness. Increase the power of purchasing, or, which is precisely the same thing, increase the facility of production, and you instantly improve the condition of every individual.

The want of a ready market is undoubtedly the immediate cause of the distresses of the manufacturers and agriculturists of this country. But we deny that this difficulty of finding purchasers for our commodities, has been in any degree owing to the increase in the powers of production. On the contrary, it is easy to show, that had it not been for this increase, the market would have been much more contracted than it really is. The want of foreign demand, as it is confessedly not occasioned by a deficient supply of those commodities which our merchants and manufacturers would willingly accept from foreigners in exchange for their products, *must* proceed from one or other of the following causes:—It must either be a consequence of the

comparatively *high price* of our commodities, or of the restrictions which have been imposed on the importation of British goods into foreign countries, and on the importation of foreign goods into Britain. Now, it is obvious that, if the falling off in the foreign demand proceeds from the *first* of these causes, it must have been infinitely increased had the cost of production continued undiminished. If, notwithstanding all the contrivances of our Arkwrights and our Watts, to save labour and expense in the production of commodities, we are still in danger of being undersold by foreigners, it is certain that, without these contrivances, we should not have been able to withstand their competition for a single twelvemonth. It would be not a little inconsequential, first to complain that our goods were too high priced for the foreign market, and then, by way of mending the matter, to declaim against the only means by which their prices could be reduced and the demand increased!

It is not to the general introduction of machinery, but to the factitious and exclusive commercial system that we have adopted, and to the oppressiveness of taxation, that all our distresses are to be ascribed. The inhabitants of Poland, Norway, Sweden, France, China, Brazil, &c. are most desirous to exchange their corn, timber, iron, wines, silks, teas, sugars, &c. for our products. These commodities, too, are peculiarly well fitted for our markets; and, in point of fact, form the very equivalents our merchants would be most anxious to obtain in return for their exports. It is plain, therefore, that the deficient foreign demand for our commodities is not owing to their excessive supply, (for the foreigners are both *able* and *willing* to become their purchasers), but solely to those prohibitive regulations which fetter and restrict the freedom of exportation and importation. There cannot, it must be recollected, be any *selling* without an equal *buying*. But, as we have peremptorily refused to buy from others those commodities with which they abound, and in the production of which they have some natural advantage, they have not the means of buying from us. The Poles and Norwegians, for example, have nothing but corn and timber to give us in exchange for our cottons, woollens, hardware, &c.; and as we have peremptorily prohibited the introduction of either the one or the other into our markets, they have been reluctantly compelled to resort to other countries for those supplies of manufactured goods they formerly obtained from England. If we would repeal our own barbarous regulations—if, instead of forcing our people to build their houses with the inferior and expensive timber of Canada, we were to allow them to use the superior and cheaper timber of Memel and Norway;

—and if, instead of forcing soils of the fifth or sixth degree of fertility to yield a scanty and inadequate return for the expenses of their cultivation, we were to import the comparatively cheap corn of Poland and the United States, the foreign demand for our commodities would be astonishingly increased. It is, indeed, completely in our power, by merely adopting a more liberal system in our intercourse with France—by consenting to admit her wines, silks, and brandies, on payment of moderate duties, to *double* or *triple* the number of the foreign continental consumers of British products.

We do not mean to deny that some portion of the commercial embarrassments which immediately followed the termination of the late contest with France, arose from a sudden glut of the foreign markets, caused by a too great exportation of British commodities to the Continent, subsequently to the opening of the Dutch ports. But this circumstance will not account for the continued difficulty we have since experienced in finding a profitable vent for our commodities. During the latter years of the war, we completely engrossed the commerce of the world. After the Orders in Council had put an end to the carrying trade of the Americans, the Continental nations could neither procure colonial produce, nor raw cotton, for the purposes of manufacturing. They were in consequence induced, notwithstanding the contrary prohibitions of Buonaparte, to purchase English goods to an unprecedented extent. It was declared, in evidence before the Bullion Committee, that cotton, which sold for 2s. per pound in London, was worth 6s. in Amsterdam, and 8s. in Paris; and that the chief articles of export from this country to the Continent, brought prices there from 50 to 200, and 300 per cent. higher than they brought at home! This evidence, it will be remembered, was given in 1810; and yet, in the preceding year, 1809, we had exported a greater quantity of commodities to the Continent than in any previous season, and nearly as much as we have done in any one year since the peace. But the productive powers of the Continental nations, or, which is the same thing, their *means of furnishing equivalents* for such commodities as they might be desirous of obtaining from foreigners, have unquestionably been increased since that period; and had we adopted a liberal commercial system, they would now have formed a much more extensive market for our commodities than at any former period. Instead, however, of judiciously availing ourselves of these advantages, we chose the very moment when the return of tranquillity had enabled them to become our competitors in various branches of industry, of which we had enjoyed a monopoly during the war, to

throw additional difficulties in the way of the importation of corn, and other raw products, with which they could have supplied us on the most advantageous terms: and thus, by refusing to accept the only equivalents they had to offer in exchange for our manufactured goods, disabled them from becoming our customers, and did every thing in our power to force them to manufacture for themselves! Let us not, therefore, attempt to excuse the drivelling incapacity of our statesmen, by ascribing the difficulties which are the necessary consequences of their blind and perverse policy, to the admirable inventions of our engineers, and the skill and industry of our artisans. But let us acknowledge, that, had it not been for these inventions, all the difficulties in which we are at present involved, would have been aggravated in a tenfold proportion.

But it has been said, that any relief which we could derive from the adoption of a more liberal commercial system, would only be temporary; that the increased power of production we possess is so vast, that we should ere long glut the market of the world with our commodities! This, it must be confessed, is rather an improbable supposition. But assuming, that our improved cotton machinery could manufacture a sufficient supply of cottons to serve the market of the world, and even to sink their price below the cost of production, what then? Could this state of things be permanent? Would not the self-interest of the manufacturers immediately suggest to them the advantage of withdrawing a part of their stock, and employing it in some other species of industry? After recurring to the sound principle of a free trade, the demand for our commodities would be comparatively *steady*. It would no longer be materially affected by the circumstance of our harvests being more or less productive than ordinary, or by any of those contingencies which now exert so great an influence on our trade. And, if it was found that, on an average of two or three years, we had not been able to dispose of our cottons, woollens, &c. with a sufficient profit, it would be a proof that their production had been carried to too great an extent; and as there could be no rational prospect of the demand being speedily increased, manufacturers would not be induced, as at present, to linger in a disadvantageous employment; and the supply of cottons being diminished, the price would be raised to its proper level.

Still, however, it may be urged, that, under a liberal commercial system, we might not only be able to manufacture too much of one, but of *every commodity* demanded by foreigners. But, admitting that such were the case, still it would not afford any ground whatever for doubting, that an increase of the powers

of production would even then be attended with great and unmixed advantage. If foreigners are unable to furnish us with the commodities which we wish to obtain in exchange for the products we have sent abroad, we must relinquish the production of the exported commodities, and directly produce those we intended to import. Now, the real question comes to be,—if a question can be raised on such a subject,—Whether it is advantageous that we should be able to produce these commodities cheaply, or not? Suppose we want to import, and are ready to pay for 10 millions of quarters of foreign corn, but that we can only obtain 8 millions, is it possible to doubt, that it would be advantageous to be able to produce the commodities with which we must pay for the 8 millions of quarters, with the least possible expense? The less the portion of the capital and labour of the country bestowed on the production of the commodities exported to foreign countries, the greater will be the proportion remaining, for the production of those which it is necessary to raise at home. If it formerly required the labour of 300,000 men to produce the equivalents necessary to be given in exchange for the 8 millions of quarters of imported corn; and if, by the use of improved machinery, or by an improvement in the skill and dexterity of the labourer, the labour of 150,000 is made capable of furnishing the same supply of equivalents, we should have 150,000 hands set free, who would henceforth be employed in assisting to raise the corn and other products which could not be supplied from abroad. Foreign trade is beneficial, because a country, by exporting the produce of those branches of industry in which it has some peculiar advantage, is enabled to import the produce of those branches in which the advantage is on the side of the foreigner. But, to insure this benefit, it is not necessary that the *whole* capital of the country should be invested in those particular branches. England can furnish better and cheaper cottons than any other country; but who would therefore contend, that she ought to produce nothing but cottons? If she were able to furnish the same supply of cottons as at present, with a tenth part of the capital and labour, is it not plain that her *means* of producing all other commodities would be prodigiously augmented?

But it is contended, that these means would not be put in requisition; and that it is impossible so great a saving of labour could take place in a branch of industry employing a million and a half of people, with any rational prospect of such an increase in the demand for labour in other employments, as would take up the hands that would be thrown idle. As this is an objection on which much stress has been laid, and which has been

reproduced in a thousand different shapes, it will be proper to examine it somewhat in detail.

In the *first* place, it is necessary to observe, that an improvement which had the effect of sinking the price of cottons nine-tenths,—that is, which enabled one-tenth of the capital and labour now engaged in that manufacture, to produce the same quantity of commodities, could not possibly have the effect to throw the other nine-tenths out of employment. The demand for cottons, instead of remaining stationary, would, in such circumstances, be very greatly increased. Those who subsist by their labour, and whose command over the necessaries and luxuries of life is always comparatively limited, form an immense majority of the population of every country. And any considerable reduction in the price of a commodity in general request, has almost always been found to extend the demand for it in a much greater proportion. This has been eminently the case with the cotton manufacture itself. It would perhaps be impossible to name any branch of industry in which so great an increase has taken place in the power of production; and yet, it is certain that the extension of the market, consequent on every new invention to save labour and expense, has always occasioned the employment of an additional number of hands. Now, there is no reason to conclude that the effect of improvements in time to come, will be in any respect different from their effects hitherto. Such a reduction of price as we have here supposed, would give our cottons a decided superiority in every market in the world. Foreign States would in vain attempt to prohibit their introduction. Cheap goods are always sure to make their way through every barrier. To use the just and forcible expressions of Sir Josiah Child; '*They that can give the best price* '*for a commodity, shall never fail to have it by one means or* '*other; of such force, subtilty, and violence, is the general course* '*of trade.*'

But, in the *second* place, we go farther, and contend, that the advantages attending the introduction of machinery do not, as Mr Malthus supposes, at all depend on the market extending in proportion to the reduction in the price of commodities. They are equally great in cases where no such extension can take place.—Were the price of cottons reduced in the proportion of ten to one, at the same time that the demand for them could not be extended, it is certainly true, that nine-tenths of the capital and industry engaged in the cotton manufacture would be thrown out of that employment: But, is it not equally certain, that there would be a proportionable extension of the demand for the produce of *other* branches of industry? The

means by which the purchasers formerly paid for the high-priced cottons could not possibly be diminished by this increased facility of production. They would still have the *same capital* to employ, and the *same revenue* to expend. The only difference would be, that *one-tenth* of the sum which had previously been required to procure an adequate supply of cottons, would now be sufficient for that purpose; and that the remaining *nine-tenths* would be applied to the purchase of some other species of commodities—we say, *would be applied;* for although we may have enough of one particular commodity, it is absolutely impossible that we can ever have what we should reckon a sufficient supply of *all* sorts of commodities. There are no limits to the passion for accumulation.

Nec Crœsi fortuna unquam, nec Persica Regna
Sufficient animo—

The portion of revenue that had been set free by the fall in the price of cottons, would not be permitted to lie idle. It would unquestionably be applied to purchase an additional quantity of something else. The *total* effective demand of the society would not, therefore, be in the slightest degree impaired. Whatever capital and labour had been disengaged from the manufacture of cottons, might be afterwards as profitably employed in the production of those commodities, for which there would be an equivalent increase of demand. And after the lapse of such a period as would permit their transfer to these new employments, labour would be again in as great request as ever, while every individual would be able to obtain ten times the former quantity of cottons for the same quantity of labour, or of any other commodity whose value had remained constant.

It has, however, been contended (Sismondi, *Nouveaux Principes*, tome 2de. p. 325.), that when machinery is employed to perform that work which had previously been performed by means of labourers, the price of the commodity is seldom or never diminished to such an extent as to render the reduction of price equivalent to the wages of the labourers thrown out of employment. The invention of machinery, says M. Sismondi, which would produce cottons 5 per cent. below the present prices, would occasion the dismissal of every cotton spinner and weaver in England; while the increased demand for other commodities, occasioned by this trifling saving, would barely afford employment for 5 per cent., or *one twentieth* part of the disengaged hands; so that were an improvement of this kind to take place, the vast majority of these persons must either be starved outright, or provided for in the workhouse. But, in making this statement, M. Sismondi has neglected one most important ele-

ment—he has not told us how his machines are to be produced. If, as M. Sismondi has tacitly assumed, the machines cost nothing —if, like atmospheric air, they are the free gift of Providence, and do not require any labour to produce them—then, instead of prices falling 5 per cent., they would fall to *nothing;* and every farthing that had formerly been devoted to the purchase of cottons, would now be set at liberty, and devoted to the purchase of other commodities. But if, by stating that the introduction of new machinery has reduced the price of cottons 5 per cent., M. Sismondi means, as he must do, that 20,000*l.* invested in one of his improved machines, will produce the same quantity of cottons as 21,000*l.* employed as circulating capital, or in the machinery now in use; then it is plain, that $\frac{20}{21}$ parts of all the capital formerly employed in the cotton manufacture will now be employed in the manufacture of machinery, and that the other $\frac{1}{21}$ part will form a fund to support the labourers engaged in producing the commodities for which, owing to the fall of 5 per cent. in the price of cottons, a proportionably greater demand must be experienced. In this case, therefore, it is plain that, instead of twenty out of every twenty-one labourers employed in the cotton manufacture being turned out of employment, there would not be a single individual in that situation. But as this reasoning proceeds on the supposition that the machines would last only *one* year, M. Sismondi might still contend, that, if they were fitted to last *ten* or *twenty* years, there would be a deficiency of employment. The truth is, however, that the reverse holds good; and that, instead of being diminished, the demand for labour is increased, according as the machines become more durable. Suppose profits are at 10 per cent., when a capital of 20,000*l.* is invested in a machine calculated to last *one* year, the goods produced by it must sell for 22,000*l.*, viz. 2000*l.* as profits, and 20,000*l.* to replace the machine itself. But if the machine were fitted to last *ten* years, then the goods produced by it, instead of selling for 22,000*l.*, would only sell for 3254*l.*, viz. 2000*l.* as profits, and 1254*l.* to accumulate as an annuity for ten years, to replace the original capital of 20,000*l.* Thus it appears, that, by introducing a machine constructed with an equal capital, which should last *ten* years instead of *one* year, the prices of the commodities produced by it would be sunk to about *one-seventh* of their former price. The consumers of cottons would, therefore, by means of their equally increased demand for other articles, henceforth afford employment for *six-sevenths* of the disengaged labourers. But this is not the only effect that would be produced. The proprietor of the machine would have, exclusive of the ordinary profit on his

capital, at the end of the first year, an additional revenue or stock of 125*l.*, or $\frac{1}{16}$th of the value of his machine, which he must necessarily expend in one way or other in the payment of wages; at the end of the second year, this additional revenue or stock would be increased to about $\frac{1}{8}$th of the value of the machine; and, in the latter years of its existence, it is plain that, far from having declined, the demand for labour must have very nearly *doubled.*

It appears, therefore, that no improvement of machinery can possibly diminish the demand for labour, or reduce the rate of wages. The introduction of machinery into one employment, *necessarily occasions an equal or greater demand for the disengaged labourers in some other employment.* The only hardship which it ever imposes on the labourer, is, that in some cases it forces him to change his business. This, however, is not a very material one. A person who has been trained to habits of industry and application, can be easily moved from one employment to another. The various subordinate branches of all the great departments of industry have so many things in common, that an individual who has attained to any considerable proficiency in one, has seldom much difficulty in attaining to a like proficiency in any other. It is easy for a weaver of cotton to become a weaver of broad cloths, or of linen; and it would require a very limited degree of instruction, to teach the maker of a cart or plough to construct a thrashing machine.

Mr Malthus, however, is not satisfied with this reasoning. 'In withdrawing capital,' he says, 'from one employment, and 'placing it in another, there is almost always a considerable 'loss. Even if the whole of the remainder were directly em- 'ployed, it would be less in amount. Though it might yield a 'greater produce, it would not command the same quantity of 'labour as before; and, unless more menial servants were used, 'many persons would be thrown out of employment; and thus 'the power of the whole capital to command the same quantity 'of labour, would evidently depend upon the contingency of 'the vacant capitals being withdrawn *undiminished from their old* 'occupations, and finding immediately equivalent employment 'in others.' (Principles of Political Economy, p. 404.) Mr Malthus means by this to state, that, although the effective demand of the society would not be diminished by an increased facility of production—for he distinctly admits that such diminution would not take place—yet, unless the *whole fixed capital* which had been rendered useless by the improvement, could be withdrawn, and invested in some other branch, there would be no means of supplying this demand, or of employing the same

quantity of labour as before. But this objection is altogether founded on a mistake, into which it is not a little surprising that so able an economist as Mr Malthus should have fallen. A manufacturer's power to employ labour does not depend on the entire amount of his capital, but on the amount of that portion only which is *circulating*. A capitalist who is possessed of a hundred steam engines, and of 50,000*l.* of circulating capital, has no greater demand for labour, and does not employ a single workman more than the capitalist who has no machinery, and only 50,000*l.* devoted exclusively to the payment of wages. All this portion could, however, be withdrawn; and, as it is by its extent that the extent of the power to employ labour is always regulated, it cannot be true, that, when capitals are transferred from one business to another, 'many persons would be thrown 'out of employment.'

It cannot, indeed, be denied, that an individual who is obliged to transfer his capital, will lose all the profit he formerly derived from that portion which cannot be transferred. But, is the State to be authorized to prevent the introduction of improved machinery, merely because the old clumsy machinery may be thereby superseded, and the capital invested in it lost? A few individuals may lose; but the whole society is always sure to derive a great accession of wealth from the adoption of every device by which labour can be saved. We have already shown, that neither the power nor the will to *purchase* commodities, is, or can be diminished by an improvement of machinery; and as the *means of employing labour* depends on the amount of circulating capital which can be withdrawn without loss, it is plain they could not be diminished. The wages of labour would, therefore, continue as high as before, while the reduction in the price of commodities would enable these wages to exchange for a greater share of the necessaries and the comforts of life. It appears, therefore, however much it may be at variance with the common opinions on the subject, that an improvement in machinery is always more advantageous to the labourer than the capitalist. In particular cases, it may reduce the profits of the latter, and destroy a portion of his capital; but it cannot, in any case, diminish the wages of the labourer, while it must raise their value relatively to commodities, and improve his condition.

We concede to Mr Malthus that, were the foreign demand for our cottons and hardware suddenly to cease, it might be difficult, perhaps impossible, to find an equally advantageous employment for the capital and labour that would thus be thrown out of employment—(Principles of Political Economy, p. 411.) But although this is certainly a good reason why we should be

extremely cautious about adopting such measures as may have any tendency to place our foreign customers in a situation to manufacture for themselves, or to induce them forcibly to exclude us from their markets, we cannot perceive why it should have induced Mr Malthus to question the advantage of improvements in machinery. It still appears to us, that an increased facility of production would be equally advantageous in a country surrounded by Bishop Berkeley's wall of brass, as in a country maintaining an extensive intercourse with all the principal markets in the world. We can have no motive to induce us to export cottons or other products, except a desire to exchange them for such commodities as we wish to import from abroad. It is possible, however, that foreigners may refuse to give us these commodities in exchange for our cottons and hardware; and it is plain that, in such a case, we must either offer them some other commodity, which they may be disposed to accept as an equivalent, or, if that be impossible, we must ourselves set about producing the commodities we wish to obtain. Now, supposing that we are compelled to have recourse to this latter alternative, and that, instead of importing the wines of Portugal, the sugars of the West Indies, and the corn of Poland, we are obliged directly to produce these or equivalent articles at home, is it possible to doubt that it would be of the greatest advantage were we to discover processes whereby we might be able to obtain them, or their substitutes, as cheap or cheaper than before? Mr Malthus has indeed said, that there are no grounds for supposing that such an improvement could take place;—and we are not disposed to quarrel with him about this opinion. But the question is not, whether the improvement can be made, but whether, *if made*, it would not be greatly and signally beneficial?—and whether every approach to it be not advantageous?

If the arts were equally advanced in different countries, commodities would invariably be found to be cheapest and most abundant in those which had the most extensive intercourse with foreigners. A commercial nation is enabled to avail itself of *all* those natural facilities for producing particular commodities which Providence has bestowed on different countries; and can, of course, command them at a much cheaper rate than if it were forced to raise them at home. But the natural disadvantages against which a country without commerce has to struggle, may be either partially or entirely overcome by a comparatively rapid progress in the arts. Substitutes may be found for such commodities as it is impossible directly to produce, while, in the production of others, improvements in the skill and

industry of the labourer, and in machinery, may more than counterbalance the disadvantage of an inferior soil, and an unfavourable climate. It is plain, therefore, that such inventions as facilitate the great work of production, instead of being less, as Mr Malthus would have us to believe, are always more advantageous in countries destitute of foreign commerce. The discovery of a process which should enable us directly to produce as good and as cheap claret as can be imported from France, would not, in the present state of the intercourse between the two countries, be of any considerable service. But were a stop put to this intercourse, were we excluded from those markets in which claret is to be met with, the invention would become of the greatest utility. A thousand such instances might be given; and in every case it would be found, that the value of the invention would be so much the greater, according as the power to resort to foreign markets was diminished.

Thus it appears, that the utmost facility of production can never be injurious, but must always be attended with the greatest advantage. Too much of one particular commodity may be occasionally produced; but it is quite impossible that there can be too great a supply of every commodity. For every excess there must be a corresponding deficiency. The fault is not in producing too much, but in producing commodities which do not suit the tastes of those with whom we wish to exchange them, or which we cannot ourselves consume. If we attend to these two grand requisites, we may increase the power of production a thousand or a million of times, and we shall be as free of all excess as if we diminished it in the same proportion. Every person in possession of commodities is qualified to become a demander. Supposing, however, that, instead of bringing them to market, he chuses to consume them himself, then there is an end of the matter; and it is evident that the multiplication of such commodities to infinity, could never occasion a glut. But he does not consume them himself—he wishes to obtain other commodities, and he offers them in exchange. In this case—and in this case only—there may be a glut; but why? Not certainly because there has been an excess of production, but because the producers have not properly adapted their means to their ends. They wanted, for example, to obtain silks, and they offered cottons in exchange for them: the proprietors of the silks were, however, already sufficiently supplied with cottons, and they wanted broad cloths. The cause of the glut is therefore obvious: It consists not in over-production, but in the production of cottons which were not wanted, instead of broad cloths which were wanted: Let this error be rectified, and the

glut will disappear. But, it may be said, the proprietors of silks are not only supplied with cottons, they are also supplied with cloth, and with every other commodity that it is in the power of the demanders to produce! In answer to this, it would perhaps be sufficient to state, that it is extremely improbable, or rather impossible, that such a case could really occur in a commercial nation. We do not however wish to shelter ourselves under this cover, or to avoid grappling with the objection in the most formidable shape in which it can be put. We admit the possibility of such a case occurring; but we deny that it affords the shadow of a reason for doubting the truth of the principles we have been endeavouring to establish. If those who want silks cannot obtain them in exchange for broad cloths, and such commodities as they are possessed of, and which they do not want, they have an obvious resource at hand—let them abandon their production, and *directly produce the silks* which they do want. It is always in their power to do this, or to produce substitutes: and we have shown that, in shifting employments, all that portion of capital which is appropriated to the support of the labouring class, may always be transferred without the smallest loss. In no case, therefore, whether the country has or has not an intercourse with its neighbours, or whether the market for commodities can or cannot be extended, can the utmost facility of production ever be attended with the slightest inconvenience. We might with equal truth pretend, that an increased fertility of soil and an increased salubrity of climate are injurious! It is the *wrong application* of productive power, the *improper adaptation* of means to ends, that is in every case the specific cause of gluts. But it is plain that the real, and only effectual remedy for this evil must be found, not in the adoption of measures calculated to raise the price of commodities, but in having recourse to a liberal and enlightened system of policy. Were we gradually to recur to the sound principle of a free trade, and to renounce every attempt to foster and encourage one branch of industry rather than another, the chances of an injudicious production would be very greatly diminished, and, when it did occur, it would be much sooner rectified. Hitherto, when too much capital has been attracted to one branch of industry, instead of leaving it to be adjusted according to the effective demand, the State has generally interfered to prevent the restoration of that natural equilibrium of profit and of production which the ardour of speculation may sometimes derange; but which, when left to itself, it will as certainly restore. It is to this interference on the part of the government—an interference which M. Sismondi is perpetually invoking—that nine-tenths of the gluts which

now occur may be traced. The restrictive and prohibitive system has wrenched society out of its natural position. We have placed every thing on an insecure basis. Our corn laws, for example, by raising the average price of corn in this country to double its price in every other country, prevents all exportation in a year of unusual plenty until the price has sunk 100 or 150 per cent. below the cost of production, and until the agriculturists have been involved in the extreme of misery and ruin. Such is universally the case. Every factitious stimulus, whatever may be its momentary effect on that department of industry to which it is applied, is immediately disadvantageous to others, and ultimately ruinous to itself. No arbitrary regulation, no act of the Legislature, can possibly add one single farthing to the capital or the industry of the country; it can only give it a faulty and unnatural direction. Besides, after a sufficiency of capital has flowed into these new channels, a reaction *must* commence. There can be no foreign vent for their surplus produce; and whenever any change of fashion, or fluctuation in the taste of the home consumers occasions a falling off in the demand, the warehouses are sure to be filled with commodities which, in a state of freedom, would never have been produced. The ignorant and the interested always ascribe such gluts to an excess of productive power. The truth is, however, that they conclusively indicate its diminution; and that they are the necessary and inevitable result of the application of those poisonous nostrums by which the natural and healthful state of the public economy is vitiated and deranged.

The other division of our subject will require but a comparatively brief discussion. Having shown, we trust satisfactorily, that an increased facility of production must, in every case, be advantageous, it is comparatively easy to show, that an increase of the funds for supporting labour—that is, that a saving of expense, and an increase of capital, must also be advantageous.

In order to demonstrate the advantage derived from his 'unproductive consumers,' Mr Malthus assumes, that 'the consumption and demand occasioned by the persons employed in productive labour, can never alone furnish a motive to the accumulation and employment of capital.' (*Principles*, &c. p. 352.) Now, as it is admitted, on all hands, that the revenues of the unproductive classes must, in every case, be derived directly or indirectly from the revenues of those who produce, the proposition laid down by Mr Malthus really amounts to this, that were the whole produce of industry to belong to the labourer and his employer, society would never make any progress that,

in such circumstances, it would be impossible for either the one or the other to accumulate capital; and that, before accumulation can take place, it is necessary that an interloper—a person who has not assisted in the raising of the produce—should be enabled to appropriate a considerable portion to himself! This, we can assure our readers, is no forced construction. It is the necessary and the only inference that can be deduced from the principle stated by Mr Malthus. If it did not lead to this conclusion, it could give no support to his theory.

Had Mr Malthus said, that the consumption and demand of the workmen *employed in the production* of commodities, could never, in the event of their getting the *whole to themselves*, be a sufficient motive to induce capitalists to accumulate or employ stock, he would have been perfectly correct. Still, however, it puzzles us to conjecture how this unfavourable state of things could have been at all improved by the circumstance of a third party—of a tax-gatherer, we presume—who had not assisted in the production, being permitted to abstract a portion of the produce. But this is foreign to the subject. The question is not, whether accumulation can take place when the labourer gets the *whole produce of his labour*—for, in that case, it is admitted by all economists that it could not—but whether it can go on when *he, and he alone*, shares it with his employer? Now, in this case, it is certain that it could. Suppose the labourer gets four-fifths, his employer would retain the other one-fifth, which he could either consume himself, or add to his capital, and with which, if so added, he would be able to employ additional labourers next year. It is clear to demonstration, that the society might go on in this way, making constant additions to its capital, and employing a constantly increasing number of labourers, provided only that population were augmented in the same proportion. If it did not increase so rapidly as capital, wages would rise; and the labourers, instead of getting four-fifths or 80 per cent., might get nineteen-twentieths or 95 per cent. of the produce of their industry. In a community consisting only of capitalists and labourers, where there was a great facility of production, and where taxation was unknown, the prevalence of a strong spirit of economy, and of a desire to accumulate, would most probably produce this effect. There is no reason, however, to fear that the rise of wages and fall of profits would ever proceed to such an extreme as to prevent further accumulation. The rise of wages would, for a while, give an extraordinary stimulus to population; but after they had increased so as to cause a considerable diminution of profits, accumulation would become

less rapid, and the demand for labour would continue to decline, until the diminution of demand and the increased supply of workmen, had, by their joint operation, sunk wages to the proper level. It is plain, therefore, that such a society might go on indefinitely increasing in wealth and population, though no such thing as an unproductive class had ever been heard of. The division of the produce of industry would not always be the same. At one period the labourer would get a larger, and at another a less proportion. When he got most, his condition, or, or which is the same thing, the condition of the great mass of society would be most prosperous; when he got least, he would have the satisfaction to know, that what he had lost was accumulated as capital; and that, instead of being wasted in the building of Pavilions, and the embroidery of Hussar jackets, it was applied to promote industry—to increase that fund by whose amount the demand for labour must always be regulated.

It is admitted by Mr Malthus, (*Principles*, &c. p. 31), that that portion of revenue which is saved from expenditure, and set apart to form an additional capital, is as effectually consumed as the gunpowder which is used in the firing of a *feu de joie*. But, in the one case, it is consumed by persons who reproduce a greater value, and, in the other, by those who reproduce no value whatever. It may no doubt be highly proper and necessary that such an unproductive consumption should take place; but to maintain that it contributes to the increase of national wealth, is quite the same thing as to maintain, that that wealth would be increased by throwing a portion of it into the sea!

Wherever there is the *power*, the *will* to consume will never be wanting. The real difficulty is not in the eating of a good dinner, but in the getting of a good dinner to eat. If production be sufficiently stimulated, consumption may be left to itself; and Mr Malthus may dismiss his fears, that 'without a large expenditure on the part of Government,' we should have a continued glut of commodities! At all events, we must not suffer ourselves to be misled by his authority. We must not suppose that there is any thing productive in taxation—any thing advantageous to the productive classes. It cannot indeed be altogether dispensed with; but the lower it is reduced the better. 'Le meilleur de tous les plans de Finance est de *depen-* 'ser peu, et le meilleur de tous les impôts est le *plus petit*.' The industry of an agriculturist will be exerted; he will endeavour to raise larger crops, if he knows he can exchange his surplus corn for labour, manufactured goods, or any other commodity he may wish to acquire. But, will any such effect be produced, by taking a half or a third of his produce to support

some useless regiment, some pampered sinecurist, or some profligate mistress? Are we to be told, that the prospect of enjoying increased comfort, and comparative respectability and ease, as the fruit of exertion, will operate as a less powerful stimulus to industry and economy, than the desire of satisfying the thankless and insatiable rapacity of the tax-gatherer? Mr Malthus argues as if consumption stood still when taxes are reduced. But when this takes place, the fortunes of those from whom they are levied are proportionably augmented. Consumption operates with equal certainty, and to precisely the same extent, in the one case as in the other. The only difference is, that a reduction of taxation enables those by whose labour commodities are produced, to consume a greater proportion of them. They are, in consequence, stimulated to still greater exertion; and this, as we have already shown, must necessarily augment the capital of the country, and the demand for labour. So long as the commodities produced are fitted for the use of those with whom it is intended to exchange them, or of the producers themselves, it is altogether impossible that they can ever be in excess. If they are, it is from miscalculation—from the wrong adaptation of means to ends, and not from the absence of the tax gatherer. Taxation in every form is an evil; and, when carried to the extent to which it was formerly carried in Holland, and is now carried in this country, it becomes, in the words of Dr Smith, 'a curse equal to the barrenness of the soil 'and the inclemency of the heavens.'

ART. VII. *The Shooter's Guide.* By J. B. JOHNSON. 12mo. Edwards & Knibb, 1819.

WHEN Lord Dacre (then Mr Brand) brought into the House of Commons his bill for the amendment of the Game Laws, a system of greater mercy and humanity was in vain recommended to that popular branch of the Legislature. The interests of humanity, and the interests of the lord of the manor, were not, however, opposed to each other; nor any attempt made to deny the superior importance of the last. No such bold or alarming topics were agitated; but it was contended that, if laws were less ferocious, there would be more partridges—if the lower orders of mankind were not torn from their families and banished to Botany Bay, hares and pheasants would be increased in number, or, at least, not diminished. It is not however till after long experience, that mankind ever

think of recurring to humane expedients for effecting their objects. The rulers who ride the people never think of coaxing and patting till they have worn out the lashes of their whips, and broken the rowels of their spurs. The legislators of the trigger replied, that two laws had lately passed which would answer their purpose of preserving game; the one, an act for transporting men found with arms in their hands for the purposes of killing game in the night; the other, an act for rendering the buyers of the game equally guilty with the seller, and for involving both in the same penalty. Three seasons have elapsed since the last of these laws was passed; and we appeal to the experience of all the great towns in England, whether the difficulty of procuring game is in the slightest degree increased? —whether hares, partridges and pheasants, are not purchased with as much facility as before the passing this act?—whether the price of such unlawful commodities is even in the slightest degree increased? Let the Assize and Sessions' Calendars bear witness, whether the law for transporting poachers has not had the most direct tendency to encourage brutal assaults and ferocious murders. There is hardly now a Jail-delivery in which some gamekeeper has not murdered a poacher—or some poacher a gamekeeper. If the question concerned the payment of five pounds, a poacher would hardly risk his life rather than be taken; but when he is to go to Botany Bay for seven years, he summons together his brother poachers—they get brave from rum, numbers and despair—and a bloody battle ensues.

Another method by which it is attempted to defeat the depredations of the poacher, is, by setting spring guns to murder any person who comes within their reach; and it is to this last new feature in the *supposed* Game Laws, to which, on the present occasion, we intend principally to confine our notice.

We utterly disclaim all hostility to the game laws in general. Game ought to belong to those who feed it. All the landowners in England are fairly entitled to all the game in England. These laws are constructed upon a basis of substantial justice; but there is a great deal of absurdity and tyranny mingled with them, and a perpetual and vehement desire on the part of the country gentlemen to push the provisions of these laws up to the highest point of tyrannical severity.

'Is it lawful to put to death by a spring gun, or any other machine, an unqualified person trespassing upon your woods or fields in pursuit of game, and who has received due notice of your intention, and of the risk to which he is exposed?' This, we think, is stating the question as fairly as can be stated. We purposely exclude gardens, orchards, and all contiguity to the

dwellinghouse. We exclude, also, all felonious intention on the part of the deceased. The object of his expedition shall be proved to be game; and the notice he received of his danger shall be allowed to be as complete as possible. It must also be part of the case, that the spring gun was placed there for the express purpose of defending the game, by killing or wounding the poacher, or spreading terror, or doing any thing that a reasonable man ought to know would happen from such a proceeding.

Suppose any gentleman were to give notice that all other persons must abstain from his manors; that he himself and his servants paraded the woods and fields with loaded pistols and blunderbusses, and would shoot any body who fired at a partridge; and suppose he were to keep his word, and shoot through the head some rash trespasser who defied this bravado, and was determined to have his sport:—Is there any doubt that he would be guilty of murder? We suppose no resistance on the part of the trespasser; but that, the moment he passes the line of demarcation with his dogs and gun, he is shot dead by the proprietor of the land from behind a tree. If this is not murder, what is murder? We will make the case a little better for the homicide Squire. It shall be night; the poacher, an unqualified person, steps over the line of demarcation with his nets and snares, and is instantly shot through the head by the pistol of the proprietor. We have no doubt that this would be murder—that it ought to be considered as murder, and punished as murder. We think this so clear, that it would be a waste of time to argue it. There is no kind of resistance on the part of the deceased; no attempt to run away; he is not even challenged: but instantly shot dead by the proprietor of the wood, for no other crime than *the intention* of killing game unlawfully. We do not suppose that any man, possessed of the elements of law and common sense, would deny this to be a case of murder, let the previous notice to the deceased have been as perfect as it could be. It is true, a trespasser in a park may be killed; but then it is when he will not render himself to the keepers, upon an hue and cry to stand to the King's peace. But deer are property, game is not; and this power of slaying deer-stealers is by the 21st Edward I., *de Malefactoribus in Pareis*, and by 3d and 4th William & Mary, c. 10. So rioters may be killed, house-burners, ravishers, felons refusing to be arrested, felons escaping, felons breaking jail, men resisting a civil process—may all be put to death. All these cases of justifiable homicide are laid down and admitted in our books. But who ever heard, that to pistol a poacher was justifiable homicide? It has long been decided, that it is unlawful to kill a dog who is pursuing

game in a manor. ‘ To decide the contrary,’ says Lord Ellenborough, ‘ would outrage reason and sense.’—Vere *v.* Lord Cawdor and King, 11 East, 368. Pointers have always been treated by the Legislature with great delicacy and consideration. To ‘ *wish to be a dog, and to bay the moon,*’ is not quite so mad a wish as the poet thought it.

If these things are so, what is the difference between the act of firing yourself, and placing an engine which does the same thing? In the one case, your hand pulls the trigger; in the other, it places the wire which communicates with the trigger, and causes the death of the trespasser. There is the same intention of slaying in both cases—there is precisely the same human agency in both cases; only the steps are rather more numerous in the latter case. As to the bad effects of allowing proprietors of game to put trespassers to death at once, or to set guns that will do it, we can have no hesitation in saying, that the first method, of giving the power of life and death to Esquires, would be by far the most humane. For, as we have observed in a previous Essay on the Game Laws, a live armigeral spring-gun would distinguish an accidental trespasser from a real poacher—a woman or a boy from a man—perhaps might spare a friend or an acquaintance—or a father of a family with ten children—or a small freeholder who voted for Administration. But this new rural artillery must destroy, without mercy, every one who approaches it.

In the case of Ilot *versus* Wilks, Esq., the four Judges, Abbot, Bailey, Holroyd and Best, gave their opinions *seriatim* on points connected with this question. In this case, as reported in Chetwynd's edition of Burns's Justice, 1820, Vol. II. p. 500, Abbot C. J. observes as follows.

‘ I cannot say that repeated and increasing acts of aggression may not reasonably call for increased means of defence and protection. I believe that many of the persons who cause engines of this description to be placed in their grounds, do not do so with an intention to injure any person, but really believe that the publication of notices will prevent any person from sustaining an injury; and that no person having the notice given him, will be weak and foolish enough to expose himself to the perilous consequences of his trespass. Many persons who place such engines in their grounds, do so for the purpose of preventing, by means of terror, injury to their property, rather than from any motive of doing malicious injury.’

‘ Increased means of defence and protection,’ but increased (his Lordship should remember) from the payment of five pounds to instant death—and instant death inflicted, not by the arm of law, but by the arm of the proprietor—could the Lord Chief

Justice of the King's Bench intend to say, that the impossibility of putting an end to poaching by other means would justify the infliction of death upon the offender? Is he so ignorant of the philosophy of punishing, as to imagine he has nothing to do but to give ten stripes instead of two, an hundred instead of ten, and a thousand, if an hundred will not do? to substitute the prison for pecuniary fines, and the gallows instead of the jail? It is impossible so enlightened a Judge can forget, that the sympathies of mankind must be consulted; that it would be wrong to break a person upon the wheel for stealing a penny loaf, and that gradations in punishment must be carefully accommodated to gradations in crime; that if poaching is punished more than mankind in general think it ought to be punished, the fault will either escape with impunity, or the delinquent be driven to desperation; that if poaching and murder are punished equally, every poacher will be an assassin. Besides, too, if the principle is right in the unlimited and unqualified manner in which the Chief Justice puts it—if defence goes on increasing with aggression, the Legislature at least must determine upon their equal pace. If an act of Parliament made it a capital offence to poach upon a manor, as it is to commit a burglary in a dwellinghouse, it might then be as lawful to shoot a person for trespassing upon your manor, as it is to kill a thief for breaking into your house. But the real question is—and so in sound reasoning his Lordship should have put it—'If the law at this moment determines the aggression to be in such a state, that it merits only a pecuniary fine after summons and proof, has any sporadic squire the right to say, that it shall be punished with death, before any summons and without any proof?'

It appears to us, too, very singular, to say, that many persons who cause engines of this description to be placed in their ground, do not do so with an intention of injuring any person, but really believe that the publication of notices will prevent any person from sustaining an injury, and that no person, having the notice given him, will be weak and foolish enough to expose himself to the perilous consequences of his trespass. But if this is the real belief of the engineer—if he thinks the mere notice will keep people away—then he must think it a mere inutility that the guns should be placed at all: if he thinks that many will be deterred, and a few come, then he must mean to shoot those few. He who believes his gun will never be called upon to do its duty, need set no gun, and trust to rumour of their being set, or being loaded, for his protection. Against the gun and the powder we have no complaint; they are perfectly fair and admissible: our quarrel is with the bullets. He

who sets a *loaded* gun, means it should go off if it is touched: But what signifies the mere empty wish that there may be no mischief, when I perform an action which my common sense tells me may produce the worst mischief? If I hear a great noise in the street, and fire a bullet to keep people quiet, I may not perhaps have intended to kill; I may have wished to have produced quiet by mere terror, and I may have expressed a strong hope that my object has been effected without the destruction of human life. Still I have done that which every man of sound intellect knows is likely to kill; and if any one falls from my act, I am guilty of murder. 'Further,' (says Lord Coke), 'if there be an evil intent, though that intent extendeth not to death, it is murder. Thus, if a man, knowing 'that many people are in the street, throw a stone over the 'wall, intending only to frighten them, or to give them a little 'hurt, and thereupon one is killed—this is murder—for he had 'an ill intent; though that intent extended not to death, and 'though he knew not the party slain.' 3 *Inst.* 57. If a man is not mad, he must be presumed to foresee common consequences if he puts a bullet into a spring gun—he must be supposed to foresee that it will kill any poacher who touches the wire—and to that consequence he must stand. We do not suppose all preservers of game to be so bloodily inclined that they would prefer the death of a poacher to his staying away. Their object is to preserve game; they have no objection to preserve the lives of their fellow-creatures also, if both can exist at the same time; if not, the least worthy of God's creatures must fall —the rustic without a soul—not the Christian partridge—not the immortal pheasant—not the rational woodcock, or the accountable hare.

The Chief Justice quotes the instance of glass and spikes fixed upon walls. He cannot mean to infer from this, because the law connives at the infliction of such small punishments for the protection of property, that it does allow, or ought to allow, proprietors to proceed to the punishment of death. Small means of annoying trespassers may be consistently admitted by the law, though more severe ones are forbidden, and ought to be forbidden; unless it follows, that what is good in any degree, is good in the highest degree. You may correct a servant boy with a switch; but if you bruise him sorely, you are liable to be indicted—if you kill him, you are hanged. A blacksmith corrected his servant with a bar of iron; the boy died, and the blacksmith was executed. Grey's Case, Kel. 64-5. A woman kicked and stamped on the belly of her child —she was found guilty of murder. 1 East, P. C. 261. *Si*

immoderate suo jure utatur, tunc reus homicidii sit. There is, besides, this additional difference in the two cases put by the Chief Justice, that no publication of notices can be so plain, in the case of the guns, as the sight of the glass or the spikes; for a trespasser may not believe in the notice which he receives, or he may think he shall see the gun, and so avoid it, or that he may have the good luck to avoid it, if he does not see it; whereas of the presence of the glass or the spikes he can have no doubt; and he has no hope of placing his hand in any spot where they are not. In the one case, he cuts his fingers upon full and perfect notice, the notice of his own senses; in the other case, he loses his life after a notice which he may disbelieve, and by an engine which he may hope to escape.

Mr Justice Bailey observes, in the same case, that it is not an indictable offence to set spring guns: perhaps not. It is not an indictable offence to go about with a loaded pistol, intending to shoot any body who grins at you; but, if you do it, you are hanged: many inchoate acts are innocent, the consummation of which is a capital offence.

This is not a case where the motto applies of *Volenti non fit injuria.* The man does not will to be hurt, but he wills to get the game; and, with that rash confidence natural to many characters, believes he shall avoid the evil and gain the good. On the contrary, it is a case which exactly arranges itself under the maxim, *Quando aliquid prohibetur ex directo, prohibetur et per obliquum.* Give what notice he may, the proprietor cannot lawfully shoot a trespasser (who neither runs nor resists) with a loaded pistol;—he cannot do it *ex directo;*—how then can he do it *per obliquum*, by arranging on the ground the pistol which commits the murder?

Mr Justice Best delivers the following opinion. His Lordship concluded as follows—

'This case has been discussed at the bar, as if these engines were exclusively resorted to for the protection of game; but I consider them as lawfully applicable to the protection of every species of property against unlawful trespassers. But if even they might not lawfully be used for the protection of game, I, for one, should be extremely glad to adopt such means, if they were found sufficient for that purpose; because I think it a great object that gentlemen should have a temptation to reside in the country, amongst their neighbours and tenantry, whose interests must be materially advanced by such a circumstance. The links of society are thereby better preserved, and the mutual advantage and dependence of the higher and lower classes of society, existing between each other, more beneficially maintained. We have seen, in a neighbouring country, the baneful consequences of the non-residence of the landed gentry; and in an

ingenious work, lately published by a foreigner, we learn the fatal effects of a like system on the Continent. By preserving game, gentlemen are tempted to reside in the country; and, considering that the diversion of the field is the only one of which they can partake on their estates, I am of opinion that, for the purpose I have stated, it is of essential importance that this species of property should be inviolably protected.'

If this speech of Mr Justice Best is correctly reported, it follows, that a man may put his fellow-creatures to death for any infringement of his property—for picking the sloes and blackberries off his hedges—for breaking a few dead sticks out of them by night or by day—with resistance or without resistance—with warning or without warning;—a strange method this of keeping up the links of society, and maintaining the dependence of the lower upon the higher classes. It certainly is of importance that gentlemen should reside on their estates in the country; but not that gentlemen with such opinions as these should reside. The more they are absent from the country, the less strain will there be upon those links to which the learned judge alludes—the more firm that dependence upon which he places so just a value. In the case of Dean *versus* Clayton, Bart., the Court of Common Pleas were equally divided upon the lawfulness of killing a dog coursing an hare by means of a concealed dog-spear. We confess that we cannot see the least difference between transfixing with a spear, or placing a spear so that it will transfix; and, therefore, if Vere *versus* Lord Cawdor and King, is good law, the action could have been maintained in Dean *versus* Clayton; but the solemn consideration concerning the life of the pointer is highly creditable to all the judges. They none of them say that it is lawful to put a trespassing pointer to death under any circumstances, or that they themselves would be glad to do it; they all seem duly impressed with the recollection that they are deciding the fate of an animal faithfully ministerial to the pleasures of the upper classes of society: there is an awful desire to do their duty, and a dread of any rash and intemperate decision. Seriously speaking, we can hardly believe this report of Mr Justice Best's speech to be correct; yet we take it from a book which guides the practice of nine-tenths of all the magistrates of England. Does a judge,—a cool, calm man, in whose hands are the issues of life and death—from whom so many miserable trembling human beings await their destiny—does he tell us, and tell us in a court of justice, that he places such little value on the life of man, that he himself would plot the destruction of his fellow-creatures for the preservation of a few hares and partridges? 'Nothing which

'falls from me' (says Mr Justice Bailey) 'shall have a tendency 'to encourage the practice.'—'I consider them' (says Mr Justice Best) 'as lawfully applicable to the protection of every 'species of property; but, even if they might not lawfully be 'used for the protection of game, *I for one should be extremely 'glad to adopt them*, if they were found sufficient for that pur-'pose.' Can any man doubt to which of these two magistrates he would rather entrust a decision on his life, his liberty, and his possessions? We should be very sorry to misrepresent Mr Justice Best, and will give to his disavowal of such sentiments, if he does disavow them, all the publicity in our power; but we have cited his very words conscientiously and correctly, as they are given in the Law Report. We have no doubt he meant to do his duty; we blame not his motives, but his feelings and his reasoning.

Let it be observed that, in the whole of this case, we have put every circumstance in favour of the murderer. We have supposed it to be in the night-time; but a man may be shot in the day* by a spring gun. We have supposed the deceased to be a poacher; but he may be a very innocent man, who has missed his way—an unfortunate botanist, or a lover. We have supposed notice; but it is a very possible event that the dead man may have been utterly ignorant of the notice. This instrument, so highly approved of by Mr Justice Best—this knitter together of the different orders of society—is levelled promiscuously against the guilty or the innocent, the ignorant and the informed. No man who sets such an infernal machine, believes that it can reason or discriminate; it is made to murder all alike, and it does murder all alike.

Blackstone says, that the law of England, like that of every other well regulated community, is tender of the public peace, and careful of the lives of the subjects; 'that it will not suffer with impunity any crime to be prevented by death, *unless the same, if committed, would also be punished by death.*' (Vol. iv. *Commentaries*, 182.) 'The law sets so high a value upon the life of a man, that it always intends some misbehaviour in the person who takes it away, unless by the command, or express permission, of the law.'—'And as to the necessity which excuses a man who kills another *se defendendo*, Lord Bacon calls even that *necessitas culpabilis.*' (*Commentaries*, vol. iv. p. 187.) So far this Luminary of the law.—But the very amusements of the rich

* Large damages have been given for wounds inflicted by spring-guns set in a garden in the day-time, where the party wounded had no notice.

are, in the estimation of Mr Justice Best, of so great importance, that the poor are to be exposed to sudden death who interfere with them. There are other persons of the same opinion with this magistrate, respecting the pleasures of the rich. In the last Session of Parliament a bill was passed, entitled, 'An 'act for the summary punishment, in certain cases, of persons 'wilfully or maliciously damaging, or committing trespasses on 'public or private property.' *Anno primo*—(a bad specimen of what is to happen)—*Georgii IV. Regis*, cap. 56. In this act it is provided, that 'if any person shall wilfully, *or* maliciously, 'commit any damage, injury, or spoil, upon any building, fence, 'hedge, gate, stile, guidepost, milestone, tree, wood, under-'wood, orchard, garden, nursery-ground, crops, vegetables, 'plants, land, or other matter or thing growing or being therein, 'or to or upon real or personal property of any nature or 'kind soever, he may be immediately seized by any body, with-'out a warrant, taken before a magistrate, and fined (accord-'ing to the mischief he has done) to the extent of five pounds; 'or, in default of payment, may be committed to the jail for three 'months.' And at the end comes a clause, exempting from the operation of this act *all mischief done in hunting, and by shooters who are qualified.* This is surely the most impudent piece of legislation that ever crept into the statute-book; and, coupled with Mr Justice Best's declaration, constitutes the following affectionate relation between the different orders of society. Says the higher link to the lower, 'If you meddle with my game, I will immediately murder you;—if you commit the slightest injury upon my real or personal property, I will take you before a magistrate, and fine you five pounds. I am in Parliament, and you are not; and I have just brought in an act of Parliament for that purpose. But so important is it to you that my pleasures should not be interrupted, that I have exempted myself and friends from the operation of this act; and we claim the right (without allowing you any such summary remedy) of riding over your fences, hedges, gates, stiles, guideposts, milestones, woods, underwoods, orchards, gardens, nursery-grounds, crops, vegetables, plants, lands, or other matters or things growing or being thereupon—including your children and yourselves, if you do not get out of the way.' Is there, upon earth, such a mockery of justice as an act of Parliament, pretending to protect property, sending a poor hedge-breaker to jail, and specially exempting from its operation the accusing and the judging squire, who, at the tail of the hounds, have that morning, perhaps, ruined as much wheat and seeds as would purchase fuel a whole year for a whole village?

It cannot be urged, in extenuation of such a murder as we have described, that the artificer of death had no particular malice against the deceased; that his object was general, and his indignation levelled against offenders in the aggregate. Every body knows that there is a malice by implication of law.

'In general, any formal design of doing mischief may be 'called malice; and therefore, not such killing only as pro-'ceeds from premeditated hatred and revenge against the person 'killed, but also, in many other cases, such as is accompanied 'with those circumstances that show the heart to be perversely 'wicked, is adjudged to be of malice prepense.' *2 Haw.* c. 31.

'For, where the law makes use of the term, malice afore-'thought, as descriptive of the crime of murder, it is not to 'be understood in that narrow restrained sense in which the 'modern use of the word *malice* is apt to lead one, a principle 'of malevolence to particulars; for the law, by the term ma-'lice, *malitia*, in this instance, meaneth, that the fact hath been 'attended with such circumstances as are the ordinary symp-'toms of a wicked heart, regardless of social duty, and fatally 'bent upon mischief.' *Fost.* 256, 257.

Ferocity is the natural weapon of the common people. If gentlemen of education and property contend with them at this sort of warfare, they will probably be defeated in the end. If spring guns are generally set—if the common people are murdered by them, and the Legislature does not interfere, the posts of gamekeeper and lord of the manor will soon be posts of honour and danger. The greatest curse under heaven (witness Ireland) is a peasantry demoralized by the barbarity and injustice of their rulers.

It is expected by some persons, that the severe operation of these engines will put an end to the trade of a poacher. This has always been predicated of every fresh operation of severity, that it was to put an end to poaching. But if this argument is good for one thing, it is good for another. Let the first pick-pocket who is taken be hung alive by the ribs, and let him be a fortnight in wasting to death. Let us seize a little grammar boy, who is robbing orchards, tie his arms and legs, throw over him a delicate puff-paste, and bake him in a bunn-pan in an oven. If poaching can be extirpated by intensity of punishment, why not all other crimes? If racks and gibbets and tenter-hooks are the best method of bringing back the golden age, why do we refrain from so easy a receipt for abolishing every species of wickedness? The best way of answering a bad argument is not to stop it, but to let it go on in its course till it leaps over the boundaries of common sense. There is a little book called *Beccaria on Crimes and Punishments*, which we strongly recom-

mend to the attention of Mr Justice Best. He who has not read it, is neither fit to make laws, nor to administer them when made.

As to the idea of abolishing poaching altogether, we will believe that poaching is abolished when it is found impossible to buy game; or when they have risen so greatly in price, that none but people of fortune can buy them. But we are convinced this never can, and never will happen. All the traps and guns in the world, will never prevent the wealth of the merchant and manufacturer from commanding the game of the landed gentleman. You may, in the pursuit of this visionary purpose, render the common people savage, ferocious, and vindictive; you may disgrace your laws by enormous punishments, and the national character by these new secret assassinations; but you will never separate the wealthy glutton from his pheasant. The best way is, to take what you want, and to sell the rest fairly and openly. This is the real spring gun and steel trap which will annihilate, not the unlawful trader, but the unlawful trade.

There is a sort of horror in thinking of a whole land filled with lurking engines of death—machinations against human life under every green tree—traps and guns in every dusky dell and bosky bourn—the *feræ naturâ*, the lords of manors eyeing their peasantry as so many butts and marks, and panting to hear the click of the trap, and to see the flash of the gun. How any human being, educated in liberal knowledge and Christian feeling, can doom to certain destruction a poor wretch, tempted by the sight of animals that naturally appear to him to belong to one person as well as another, we are at a loss to conceive. We cannot imagine how he could live in the same village, and see the widow and orphans of the man whose blood he had shed for such a trifle. We consider a person who could do this, to be deficient in the very elements of morals—to want that sacred regard to human life which is one of the corner stones of civil society. If he sacrifices the life of man for his mere pleasures, he would do so, if he dared, for the lowest and least of his passions. He may be defended, perhaps, by the abominable injustice of the Game Laws—though we think and hope he is not. But there rests upon his head, and there is marked in his account, the deep and indelible sin of *bloodguiltiness*.

ART. VIII. *The View, and other Poems.* By CHANDOS LEIGH, 12mo. pp. 120. London, 1820.

WE have perused, not without pleasure, the small volume that lies before us. With no inconsiderable portion of

poetical spirit, it displays, throughout, the marks of an accomplished and cultivated mind. Its chief characteristic is a tone of liberal and manly feeling, which would claim our indulgence, even though it were accompanied with greater poetical sins than it will be our duty to point out. That it has many defects, we are ready to admit. The execution, even of the best passages, is seldom equal to the conception; and again and again we are offended with marks of negligence, and a want of finish, which disfigure passages otherwise possessing no small degree of excellence. It is the misfortune of this author to have attached himself to a school insensible to the merit of correctness, we had almost said, ambitious of inaccuracy; to that class of modern authors, we mean, whose works appear intended as a continual experiment to ascertain what is the *minimum* of labour requisite for the production of poetical effect; and who, in consequence, while they sometimes display, in the glow of composition, striking and original beauties, more frequently disgust us with their carelessness, or offend us with their inequalities.

We are aware that it is in vain to expect, at the present day, that rich and harmonious versification, those correct rhymes, the condensed thoughts and skilful transitions which characterized the poets of a former age. Such is our appetite for novelty, so inconstant our taste, so capricious and changeable our fashions even in literature, that, whatever be the excellence of his compositions, however splendid the fame, or extensive the circulation of his works, the modern versifier is aware, that a few revolving months must consign them to at least temporary oblivion. But while his motives for patient and assiduous labour are thus diminished, the demand of the daily increasing tribe of readers is much too clamorous to allow him even a decent time for shaping, turning, and polishing his verses. However flimsy the texture of his manufacture, he is sure of a ready sale for his goods; and, however hastily it is wove, he knows it will be out of fashion and laid aside in less time than it cost him to prepare it for the market. Our poems, therefore, like our silks and buildings, though more showy and gaudy, are infinitely less solid and durable than the articles of a similar description that delighted, clothed, or lodged our forefathers.

Fertile, beyond all former times, as the last twenty years have been in poetical productions, and rich in a display of originality of imagination which would do credit to the most brilliant era of literature, still we think it would be difficult to point out any one poem of that period, which, whatever might be its other excellences, a rigid critic of the old school would have considered as sufficiently correct for publication. We do not say this as

wishing to detract from the merits of our living poets, from whose works we have derived so much and such exalted pleasure. All that we would assert is, that neither the exertions for success in poetry, nor the success when attained, are what they were formerly. The first chalk sketch of an artist may display as much original genius, and be as much admired by connoisseurs as the most finished painting; but the merit it possesses is of a different and inferior character. Without an adequate sacrifice of labour, no human work can attain the higher degrees of excellence. Perfection of execution, so long as it is compatible with other beauties, is always one perfection the more, and, consequently, the unfinished must always be of less value than the more laboured piece. But the evils attending a negligent taste in poetry, are more serious than would result from a similar fashion which might affect the sister art. Want of finish in painting is only a negative defect, the want of an additional excellence which might be superadded; but negligence in poetry is always accompanied with positive demerit. What is struck out in the glow of the moment, may be far from deficient in spirit or in warmth of conception; but the remainder will be often hasty and perplexed, and always diffuse. Of all the beauties which are the fruit of long and persevering labour, that of compression, which, by purging out the alloy, gives its radiance to the metal, is the last and the most rarely acquired. In this merit our modern poetry is notoriously deficient. A most brilliant florilegium might, it is true, be selected from the works of our living authors; but, take the whole of their best and most successful productions, and we find ourselves wearied by much that is tedious and superfluous. Even their brevity is rather marked by the awkwardness and perplexity of passages hastily curtailed and carelessly put together, than by the vigorous condensation and lucid terseness which characterize the highly polished compositions of Pope or Goldsmith.

Many reasons may be assigned for the revolution which has undoubtedly taken place in this department of our literature. One has been already alluded to, in the vast increase of our reading classes, which has created a demand for literary aliment that can only be gratified by a proportionate rapidity of production in those who cater for the public taste. Something also may be attributed to a coxcomical pedantry in a certain tribe of writers, which has led them to despise the artificial beauties resulting from accuracy of finish, as below the aims of original genius. The real fact, however, we take to be this, that poetry, though not less read than formerly, has, we will not say, so much sunk in estimation, as changed its relative position in the

scale of importance, when compared with other pursuits, which now form a necessary part in the education of every well instructed person.

The list of accomplishments required for a scholar and a gentleman, during the first half of the last century, was surprisingly scanty, when contrasted with what is expected at the present moment from every person who would avoid the imputation of ignorance. In those days the study of the learned languages, though scarcely less widely diffused than at present, was seldom carried to that painful degree of verbal and grammatical accuracy which characterizes our modern scholarship; the antiquities of our language and history were then but superficially known, and that only by a few; chemistry, and the other branches of experimental philosophy, were confined chiefly to professional men; political economy, geology, and a large portion of natural history, were scarcely yet in their infancy; and the labours of the theologian had little more for their object than to discuss the points of difference between the Romish and the Reformed Churches. In so short a catalogue of literary pursuits, that of poetry naturally formed a leading article. We cannot therefore be surprised, that what is now considered rather as an amusement and an accomplishment than as a serious occupation, should, in those days, have been studied with all the earnest attention due to the proportion which it bore to the remaining mass of knowledge. This greater attention in the readers naturally led to greater solicitude in the authors. He who ventured on the publication of a poem, did it with all the anxiety of one who was a candidate for the highest and most durable distinction. He knew that his claim to success would be weighed with the most jealous accuracy; and he accordingly guarded himself at all points. He polished and repolished. He submitted his work to the castigation of his friends, and deferred, with the most implicit submission, to those canons of criticism which had received the sanction of the best ages of antiquity. But the public have now ceased to examine, with this scrutinizing accuracy, what they no longer consider as of primary importance. At this moment a cultivated taste for poetry ranks, as it will probably always do, amongst the first accomplishments of a liberal mind; but we should scarcely consider now, as formerly, that person tolerably educated who should have studied nothing else. Changed, and in some respects changed for the worse, as this branch of literature undoubtedly is, the station which it now occupies both in point of actual merit and in the esteem in which it is held, is exactly such as might have been anticipated from a period so active and enterprising

as the present. Why, at a moment when the whole of civilized society is undergoing a change, the result of which will probably be beneficial, but at all events most important to the best interests of mankind, are we to expect the politician calmly to sit down to the investigation of longs and shorts, or to comparisons of Scott and Byron with Homer or Dryden? Why is the geologist to cease counting backwards his thousands and ten thousands of years elapsed before the creation of man, and, instead of Brescia or Whacke, to batter in pieces Lloyd or Wordsworth? Ought the comparative, or even the positive merits of Southey and Coleridge, supersede the interest excited by the disquisitions of Malthus or Smith?

But if the poet has ceased to command the same attention as formerly, let us cease to blame him for not doing more than the occasion requires. We call for an elegant and fascinating amusement, and he supplies it,—abundantly in quantity, and not much adulterated in quality; and if we will portion out the laurel, which formerly he wore almost singly, amongst a thousand other competitors for literary and intellectual distinction, why are we to expect that he will, as formerly, devote his whole life to an occupation, the remuneration for which has been so much reduced?

With respect to the work before us, we have already given our opinion respecting the many sins of inaccuracy in which it abounds. Its merits, however, are far from contemptible. The poem entitled 'The View,' which contains reflexions written during a tour in Switzerland and Italy, is composed with considerable talent; some passages have much poetical spirit; and the whole piece displays a degree of devout, liberal, and well regulated feeling, which do credit to the author's principles as a man. We shall select a few specimens of this poem, and leave our readers to judge for themselves. Should Mr Leigh persevere in the cultivation of the Muses, we heartily wish him success; but we cannot too strongly recommend to him, to attend more to the mechanical part of the pursuit than he has yet done, and to recollect that natural genius, though accompanied with all the accomplishments which make a man amiable and respectable in private life, will not secure vitality either to verse or prose, put hastily together, without attention to those rules of criticism, which, founded as they are in sound sense and true philosophy, have therefore, and therefore only, received the approbation of ages.

The following stanzas constitute the opening of 'The View.'

> 'The world has seen strange change; yet here art thou,
> Mont Blanc, while generations pass away;

Thy vast heights glistening with untrodden snow,
On which the sun at eve imprints his ray;
There lingers yet the mild farewell of day.
The blue lake sleeps below in tranquil sheen;
Here, among Nature's miracles, I'll pray
To Nature's Deity; how vast the scene!
The loveliest works of God—the grandest too are seen!

Here from our slumbers light we rise to feel
The consciousness of being: fresh and free
The soul pours forth its orisons with zeal
To the great spirit of Eternity,
That was, that is, and shall for ever be.
The fertile valleys, giant mountains, prove
The omnipresence of the Deity!
Best emblems of his wisdom, power and love,
Pervading all things here around, below, above.

The golden sun has coloured all the woods!
Fresh views succeed; each brighter than the last!
There barren rocks are channell'd by the floods,
Here Flora's beauties cannot be surpast.
Lausanne, an universe of charms thou hast;
There Winter's fetter'd in his icy bed—
Steeps rise o'er steeps immeasurably vast—
While the rude crags, projecting overhead,
Strike in the stoutest hearts a momentary dread.

Th' ambitious rhododendron climbs the snow,
Pines darken round the mountain's sides, behold,
A thousand rills from icy caverns flow,
Rushing o'er rocks irregularly bold,
Where the tenacious sapling keeps its hold;
Below the dark stream with collected force
Still rolling on, as it has ever roll'd,
Through the wide plains shapes its resistless course,
As rude as Ocean's self; as grand as is its source.'

The following is a spirited description of Naples.

'Here all is strenuous idleness! the hum
Of men, like children, bustling about nought;
The bawling mountebank, and frequent drum,
Are glorious substitutes for troublous thought,
While business is unheeded and unsought.
Here to the last they whirl around; the bier
Bears to the grave some noisy trifler caught
By death; the world's epitome is here;
The sight provokes a smile, yet mingled with a tear.

Art. IX. *Three Months passed in the Mountains East of Rome, during the Year* 1819. By Maria Graham, Author of Journal of a Residence in India. 8vo. pp. 312. London, Longman. 1820.

This is really a book of considerable entertainment, and some instruction, without any pretensions either to deep remark or great learning. The high roads and great towns of Italy are now such beaten tracks in literature as well as in travelling, that there is some refreshment in leaving them, and retreating, for a season, from the noise of the hosts and the couriers, the gabble of the *cicerone*, and even the glories of the City itself, and what remains of the 'smoke and wealth and bustle of Rome,' in order to see a little of what the ordinary traveller never thinks of, the habits of the people among themselves, and the appearance of those quiet districts, which, not being seen from his carriage window, pass for having no existence. This pleasing variety is afforded by Mrs Graham's work; we have given one recommendation of its manner, the modesty of its pretensions; we may add a more important one of its matter, the apparent accuracy of its facts; for, not only does the narrative carry with it the strongest marks of truth, but all that is told having been heard or witnessed by two other persons, a check is provided upon involuntary exaggeration, by far the most fruitful source of inaccuracy in all travellers. Those who have been accustomed to compare the accounts in such books with the facts, best know the inestimable importance of such a circumstance to the reader's comfort, even if he only takes the book as a work of amusement, and has no design of building speculations upon the information it may profess to give.

Our author, accompanied by her husband and Mr C. Eastlake, an ingenious artist, left Rome, as is usual during the unhealthy season, in 1819, and took up her residence at the small town of Poli, twenty-six miles from the city, and situated between Tivoli and Palestrina, the ancient Præneste. The journey from Rome thither presents nothing to detain us. The places passed through, or seen at a distance, are mentioned with the accustomed classic references; and, of course, Collatia and Gabii could not be approached without a notice of the Tarquins and Lucretia. We could have wished that Mrs Graham had showed her wonted good sense in resting satisfied with received allusions, and not loaded Gabii with the more recondite one, of being the place where Romulus and Remus were brought up. For this she cites Dionysius; but the received

account is certainly that of Livy, who expressly gives as a reason for building Rome where they did, that it was the spot '*ubi expositi ubique educati erant;*' and adds (in case there should be any doubt as to the meaning of the latter phrase), that Romulus began by fortifying the shepherd's house where he had been brought up, or its site called the Palatium. The reader will perceive that we give no opinion upon this point, nor enter indeed into the discussion. In a part of history wholly fabulous according to some, abundantly doubtful and obscure in every man's judgment, it would be childish to dogmatize; but we only stop to take notice of the historical paradox above mentioned, as a small exception to the generally unassuming character of our author's remarks. In plain terms, we think that a work which cites Virgil and Horace always, in Dryden's and Francis's words, might have been satisfied with the Gabian and Roman history, as commonly taken from Livy.

Poli, where our travellers fixed their abode, is a small town of 1300 inhabitants, wholly employed in agriculture; so that, with the exception of some publick ovens, and a few other places where the most common necessaries may be bought, there are no shops, nor any handicraftsmen but a carpenter, blacksmith, shoemaker and harness-maker. The cloth worn by these simple and industrious people is made by the women, who spin their wool and flax in the winter, and weave it in looms which they hire in spring, and then dye and bleach it before the vintage and harvest begin, when they take their share in the labours of the field. It is hardly necessary to add, that here, as indeed in most parts of the Continent, the peasantry live in the towns, and not in the country. The flock is left under the care of shepherds, and a single farm-servant is stationed at the buildings where grain or tools or cattle are housed; but the town, be it far or near the scene of work, is the home of the labourers. There are only five priests at Poli, one of whom is the schoolmaster. Two well filled monasteries were once established, a convent of Breton monks, chiefly supported by estates in France, and the rich house of San Stefano connected in the same way with Spain. The former was entirely dispersed at the beginning of the French Revolution; and of the latter, one monk, and a lay-brother his cook, alone remain; but they only remain because the monk is master of a Latin, reading and writing school, founded by the useful piety of a lady of the Conti family, and free to all the Polese. The same excellent person appointed a mistress to teach the girls reading and plain work.

'Education, imperfect as it is here, displays its advantages in the conduct and sentiments of some of the peasants. We met with one

remarkable instance of its influence in a young man who was usually our guide in our little expeditions. His powers of reasoning were acute, and his observations, wherever his religious faith did not interfere, far above any thing we had expected in this rude and remote place. If by chance he got near the doubtful grounds of faith, he always checked himself, saying, "These subjects are better not touched upon. I do not think the worse of you for differing in your belief from me; but I believe it would be mortal sin in me, unenlightened as I am, to attempt to examine the grounds of my own, and thereby expose myself to the perils of heresy or discontent." On all other subjects he was very frank and intelligent, and exceedingly curious about the productions of our country, and the customs of our country people. We had the curiosity to borrow the common school-books from Agabitto, for so our friend was called, and could not help being struck with the extreme care with which the church of Rome has watched to effect its own purposes in the instruction of even the youngest child. The Italian Santa Croce, or Christ's-cross-row, contains, besides the letters and syllables, some prayers in Italian, others in Latin, which the little children are instructed to repeat, without, however, understanding them; the creed, a short catechism, and a manufactured copy of the Decalogue. In this last, the second commandment is completely omitted, to accommodate the pictures and images of the Romish worship; and the 10th is split, to make up the number. Indeed, we do not see how the commandment against idolatry could be retained where the practice is so prevalent. The women wear a Madonna and child in their rings, the men sew a crucifix into their jackets; these are caressed and invoked in every peril; and we had more than one occasion to observe, that these images were considered as something more than mere symbols.' p. 31–33.

The Italian books read at the school are entirely religious, it seems. Among these the Bible is never included in Catholic countries; but a history of it, prepared to suit the doctrines of the church, is substituted in the place of the genuine original. Yet, though the peasants are not taught to read beyond a certain range, they seem, by our author's account, to expatiate pretty widely themselves. Some of them are readers of Metastasio; but the common favourites are the ballads which abound in Italy, and contain a strange mixture of Pagan mythology and legendary lore. Of these a very minute account, with specimens, is given in an Appendix to this work, which treats of the popular poetry of the modern Romans, and of which we shall take notice hereafter. But of the change made in the Ten Commandments above referred to, we may here add, that it is not the only one introduced to serve the views of the hierarchy. The fourth (which stands third in their version) requires not that the Sabbath, but that the days of festivals, be kept holy. As for the

substitution of fornication for adultery, possibly it may be the more literal translation; at least the Latin Bible has it, '*Ne scortator.*'

Much detail is given respecting the cultivation both of the grain and the trees which grow near Poli; and many quotations are interspersed from Georgical poems. The only facts of any importance seem to be these. The wages in harvest are higher than might have been expected; the men having a shilling a day in money, and four loaves weighing in all 32 ounces Troy, with as much wine as they please, reduced by one-fourth of water; while the women have sixpence, and 24 ounces, with wine. At Tivoli the money payments are one half more, the provisions being the same. The quitrents reserved by the church and feudal proprietor, appear very large. Our author mentions the case of the peasant's father formerly spoken of, who had improved a piece of land which was a mere barren waste in the Duke of Sporza's domain, and converted it into a very productive farm. He had to pay one-fifth of the corn, and one-fourth of the oil, wine and pulse, raised upon it; so that in bad years he can hardly maintain his family after paying this rent, and has been known hardly to have seed corn left, much less any surplus. The olive is the favourite culture in this district, as indeed in all Italy—the Polese proverb being, 'If you would leave your children's children a lasting inherit-'ance, plant an olive.' An old tree is mentioned by our author as hollow, and reduced to such a shell, that it can scarcely keep its hold of the ground, or resist the storm; and it had just yielded 240 English quarts of oil. The cattle which are kept in the mountains during the summer, and driven down to fatten in the Campagna when winter sets in, are tended by cowherds who contract for the season. One man will take charge of the cattle of several owners, and then he receives two crowns a month per score; if he is hired wholly by one owner, he has six crowns; and for these wages he is to attend them day and night over all their wanderings. Shepherds and goatherds are paid in their own neighbourhood a halfpenny per day, with 32 ounces of bread, and as much milk and curd as they please; but if they go to a distance from their village, they have a crown a month, with their food. Thus much of common and lowly matters; but now—*paullo majora canamus*—the hog remains to be disposed of; and, fearful of approaching the subject, we shall leave it in the hands of the author.

'All this mountain district is famous for the goodness of the hams and bacon it produces. The pigs, generally called animali neri, are, like the wild hog of the country, black, long faced, and narrow

shouldered. They are scarcely ever put up to feed, but fatten naturally in the woods upon the nuts, mast, and roots they find. The hog is a much more dignified animal in Italy, than with us in the north; and indeed it appears from the Odyssey, that the swineherd was no mean personage in an ancient Greek family: here he is on the same footing as a shepherd. We recollect a pastoral poem, by Michael Angelo, where the bringing in and folding the herd of swine is the subject. The pig is certainly an intelligent animal, and easily becomes attached to his master: we have seen them running along the high road at night, to meet the labourers returning from work, and caressing them as a dog would do. They are useful in a variety of ways, particularly in hunting for, and destroying the larvæ of locusts, when turned into an infected field early in the morning. The sow, even when she has her young, is not confined to the sty, but is tethered in some shady place, where she can get at water, and graze at pleasure: and her food is assisted twice a day with milk, bran, and vegetables. This mode of treating the pig produces less fat pork and bacon indeed, than a Hampshire farmer would approve; but it gains greatly in flavour from its partially wild state. The favour it is in with the low Romans, may be best gathered from the whimsical "Praise of the Pig," (Lode del Porchetto), by the abbate Veccei, who calls upon Apollo and all the Aonian choir to assist him to praise the noble animal.' p. 57, 58.

From the gentle and familiar personage just commemorated, the transition is natural to his savage namesake, the chase of whom forms the principal sport of the Polese and their neighbours. The following passage gives a spirited description of this diversion.

'The hunting the wild-boar, which begins about the fall of the leaf, is a favourite diversion of the middle and lower classes; and if a boar is taken, it is a kind of rural triumph. When a hunt is to take place, from ten to thirty hunters assemble, and appoint a chief, experienced in the chase, and whose local knowledge enables him to guess at the probable track of the game. As many dogs as can be procured are collected, and three keepers are chosen to take care of them, and set them on the scent. There are, besides, generally a number of peasants armed with sticks, who go out to beat the thickets, and assist the dogs to find the game. As soon as a boar is discovered, notice is given to the huntsman, who immediately places the hunters in stations convenient for shooting the animal as it passes, after it is roused, as is practised in our northern deer-shooting. The experience of the huntsman should enable him to place five or six of the best marksmen at the principal passes by which the boar is likely to escape. The others are placed at convenient distances between. The keepers then divide the dogs, and advance from three different points towards the boar, encouraging the dogs with their voices; and, if the cover is so thick and rough that they hesitate, they fire a few

shots, which seldom fails to inspire them with courage enough to go through, and rouse the game. Once raised from his lair, the boar becomes furious, frequently kills the dogs, and seldom fails to wound them. Overpowered by numbers, he is at length obliged to fly, and is generally shot in one of the passes where the marksmen are stationed. Should he pass the line unwounded, there is but little hope of taking him again. The practice of surrounding the lair of the boar with nets, which appears, from the first ode of Horace, to have been occasionally used by the ancients is never adopted by the modern hunters. Some figures engraved on the lid of a funeral vase found near Palestrina, and whose date is at least two centuries before Christ, are engaged in a boar-hunt with dogs, and are armed with spears: there are also others hunting the stag, with a cloak over the left arm, which they appear to be throwing over the animal's head to blind him, while another hunter is preparing to give him a mortal wound. The head of the boar is now, as in ancient times, the prize of the successful hunter, who gives him his death-blow. As soon as he is killed, he is laid on a beast of burden, provided for the purpose, and carried home in triumph. As soon as the party come in sight of their town, they fire a volley, to let the inhabitants know of their success; young and old come out to meet them, and accompany them to the market-place, where another volley is fired, and the game is carried to the huntsman's house, where the feet being cut off, as the perquisite of the master of the beast which has brought it in, the rest is portioned out into as many shares as there were hunters; and, to prevent jealousies, they draw lots for them.' p. 61–64.

The sort of glimmering light that remains round the great names of antiquity, and makes them dimly visible even among the most ignorant of their countrymen, is a circumstance extremely striking to travellers in Italy. Thus, at Naples, Virgil is always in the mouths of the people, and he passes for a Magician of the middle ages. In the regions of Præneste, Horace, as might be expected, is every thing; and, if you ask who built that temple, or raised that arch, the chances are, that, not knowing the real author, the peasant fixes upon 'the poet Horace.' So it seems to fare with some of the enemies of mankind, as well as their benefactors; for the antient tyrants are detested as enemies of the Church. The Neapolitans speak of 'that Lutheran Caligula;' and Nero, who is in the Roman States called *the Negrone*, was said by our author's guide to have been justly punished for his impiety in saying, when he built his aqueduct,

> 'Piaccia o non piaccia a *Iddio*
> 'Acqua voglio per l'amfiteatro mio.'

Our author and her party made several excursions from Poli, two of which are interesting, and related with much spirit. One to Guadagnola, a miserable town upon a rock, where the inha-

bitants rather burrow in holes than live in houses, and have, among all other wants, that even of water; yet are peculiarly distinguished for their romantic attachment to home:—the other, to a rustic merrymaking or harvest-home at a peasant's casale, or farm-house, where the implements of husbandry are kept; and from thence to Palestrina, the ancient Præneste. During this last excursion, they were near a great danger without knowing it; the Banditti had that evening arrived in the neighbourhood, and carried on an intercourse with the shepherds, for the purpose of obtaining provisions, and of reconnoitring the ground before commencing their operations. The particulars which Mrs Graham has collected respecting these depredators, and the conduct of the government towards them, are copious and interesting. In other books of travels we see the name often mentioned, and here and there an anecdote, generally of very doubtful credit, may be gleaned; but it is rarely, indeed, that any one possesses the opportunities which she had of inquiring into their habits, and, almost, of witnessing their proceedings. For the band kept possession of the district for some time while our travellers were at Poli; and when they ventured to leave it, and made their escape to Tivoli, they found persons of undoubted veracity who had been actually in their hands, and from whom they learnt still more of their manners. The picture which we thus obtain of those savages is extremely distinct, full, and accurate; it is the most amusing part of the work before us; it is very instructive upon some important points; and we should think the contemplation of it right well calculated to sober down the silly feelings of misplaced romance, with which some modern writers have, we fear, not as mere matter of poetry, endeavoured to associate the outlaw's life. For we will venture to assert, that the life here described is one of equal misery and guilt—that the guilt is of the most detestable and revolting kind, without admixture of generosity or courage, or a single redeeming virtue, or any thing to soften the harshness, or to enliven the darkness of its shades. Nay, more, we much question whether the same would not prove true of all other outlaws, had we the same knowledge of their habits, from near inspection or immediate report, instead of receiving all we learn of them from the lays of minstrels, and after the lapse of some ages.

The arrival of these unwelcome visiters was first generally known at Poli by the seizure of two boys whom they found straying, and forced to go with them, in order to obtain information as to the inhabitants, and particularly as to the habits of the English there, in walking out, &c. They kept them a day,

and then let them go. They have two modes of proceeding—the one is, to send a requisition to any proprietor, ordering him, before a given time, to provide certain articles, on pain either of having his house attacked, if he live in an exposed place, or, at all events, of having his cattle taken or destroyed;—the other is, to waylay persons of consideration and carry them off, not so much in expectation of finding sufficient plunder upon them, as in order to extort large ransoms, by keeping them until their friends raise the sums demanded. It is plain, that neither of these plans can be effectually executed, unless the general conduct of the robbers is such as impresses a great degree of terror in the neighbourhood; but they also take care to add traits of brutal violence in the particular cases, which not only serve to keep up their reputation for the most savage cruelty, but to accomplish their immediate purpose more directly. Thus, on siezing two or three persons, they will kill one with the most barbarous indifference, choosing the person of least note; and it is a very common atrocity with them, to cut off an ear or a hand, and send it to a captive's family, in order to quicken the arrival of the ransom which he has been compelled to write for.

The whole of the Band to which the detachment belonged was a hundred and thirty strong; but the detachment itself did not exceed thirteen; and it kept both Poli and the neighbourhood in complete subjection for many days. A proprietor having disobliged his shepherd, the man had joined the robbers, and given a hint that 'he should call upon his master, and 'thank him for his courtesy.' Of course, he never durst go out of the town alone; but he soon received an order from the Band to provide a number of velvet suits, linen shirts and drawers, and stout greatcoats, and convey them to a certain spot, on pain of losing all his cattle. He applied to the government at Rome, whether his property would be protected, or if he must at once comply with the requisition; and the answer from that holy and vigorous dynasty was such as occasioned the punctual performance of the order for the clothing. It must not, however, be imagined, that nothing was done by the police in this emergency; on the contrary, we have before us a full detail of the whole steps by which its active imbecility was promptly exerted, and the formidable decrepitude of the system it belongs to made manifest.

First, the Gonfaloniere of Poli having duly ascertained from the two boys that the Banditti were at hand, in a given place, and to the number of thirteen, the population of Poli being thirteen hundred, his worship deemed it fit to order out the civic guard; but for this purpose he must summon, from Pales-

trina, the Mareschal of the district, who alone has the power of calling it forth. The guard consists of twenty young men, armed for the occasion, who are to watch the town day and night, and join the guards of the neighbouring towns in pursuing the robbers. The worthy magistrate's summons was obeyed, the Mareschal arrived, and the civic guard was called out. Our author, who was an eyewitness, can alone tell the result.

'A singular scene presented itself as we looked from our windows. The mareschal, with a single horse-pistol stuck in his ammunition-belt, was walking up and down in consultation with the principal inhabitants of the place; for there was a pretty general expectation that the brigands would collect in greater numbers, and attempt to enter Poli that night. By and by twelve or fourteen young men joined them, armed with muskets and fowling-pieces, of many a various construction: these formed the civic guard. Some of the guns were their own, others belonged to government, and were lent for the occasion. About ten o'clock the party went to a little platform just without the principal gate, which usually serves as a play-ground for the children, to fire at a mark, and try their powder, regardless of the spot being exactly within sight of the enemy's camp. At length, they set out in pursuit of the brigands; but, as we afterwards learned, with little hope or intention of doing more than driving them from their immediate haunt in the neighbourhood, and perhaps alarming them; for many had gone out without powder and shot, and few with more than a second charge. Shortly after their departure, a party of about two hundred men, who had been out to collect and drive in the cattle from the hill, entered the town, with such shouts of joy and triumph, that we thought our guard had met with and routed some detachment of the brigands; but we soon discovered the very unusual sight of a herd of fat oxen, with cows and fine calves, or rather heifers, running down the street followed by their drivers, and accompanied by all the women and children of the town. Towards night a lieutenant, with a very small party of His Holiness's soldiers, entered the town, in consequence of a message sent to Tivoli the night before: they were intended to assist the town-guard, and created an unusual degree of bustle. The lodging and victualling them did not seem to be a matter very easily adjusted, nor indeed very agreeable. Their gay dresses and trained step formed no small contrast with the rustic air and coarse clothing of our old friends; and the superiority they assumed seemed by no means pleasing to the Polese. At length, the lanterns, which had been moving up and down the street, at least two hours later than they had ever done before, dropped off one by one, the expected attack on the town was forgotten, and the night passed quietly as usual.' pp. 164-66.

The important accession to the native forces of Poli, from the junction so happily effected with those of his Holiness, seemed to augur most favourably for the success of the combined

arms. The extraordinary conduct, as well as courage, which had enabled the troops of the Church to arrive in safety, nay even unmolested, by '*The Thirteen*,' promised the happiest results from the renewal of the campaign. A strict regard to historical truth, however, compels us to add, that those fair hopes were frustrated; for Mrs G. must again relate what she witnessed.

'Early next morning, another party of the townsmen, accompanied by most of the soldiers, set out in search of the brigands; and in the afternoon the party of the day before returned. They had found the lair of the robbers yet warm: the grass was trodden down: fragments of bread and other food, mingled with remnants of clothing, torn and cut packs of cards, and broken ornaments, lay strewed about the ground. The skin of a sheep was hanging on a tree; and every thing bore the marks of a very hasty removal. The guard found a shepherd with some dressed meat, and employed in making sandals of a kid's skin; this, as the shepherds are not allowed animal food, they taxed him with having killed for the brigands; but he asserted that he had taken it from the mouth of a wolf who had been at the flock the night before. They were obliged to believe the man, and to leave him where they found him, however they might be inclined to put that part of a recent order in execution, which condemns persons aiding the robbers to imprisonment. They slept at Guadagnola, and came home by Capranica, not having seen any thing of the enemy.' pp. 166, 167.

A third expedition was undertaken, upon the report of an old woman (*Qu.* a field-officer in the Sacred Guards!), that she had heard a whistling in a certain dell. The only danger the troops were here exposed to, was that of shooting their own scout, who, making a rustling among the leaves, was mistaken, they said, for a robber, but, as they were going to fire upon him, probably for a squirrel. At length, a very efficient and magnanimous order arrived, for the Polese to keep the pass to Guadagnola, as all the others by which the enemy could escape were thought to be secured. But most of the men had mustered, and gone in a body to the great fair at Palestrina; not without an alarm on the way, from mistaking one division of their own body for the robbers; so that, when the summons arrived at sunset, a curious scene presented itself—which closes the narrative of this short but decisive campaign.

'Their wives, mothers, and grandmothers came out, each with their lantern, to beg that her husband or child might be left to guard her house, in case the robbers, taking advantage of the absence of the strong men, should attack the town. The families who possessed arms refused to lend them to the guard; and as it appeared that the night was likely to be wasted in altercations, the magistrates and the

officer, who still remained in the town, resolved to enter the houses forcibly, and take what arms they could find. Two or three houses were accordingly entered; but it consumed the time equally, and the guns were so well concealed that there was little chance of obtaining enough to arm the few men they could provide; therefore they resolved to wait till the morning, when the men would be returned from Palestrina. The scene in the street where all public business is transacted was not only quite new to us, but curious in itself. The armed and the unarmed, the willing and the unwilling, were all vociferating at once: the women were going about with their infants in one hand and a lantern in the other; now aggravating, now quieting the disputants. The people from the feast came dropping in, laden with their nuts or other fairings, and mostly half intoxicated, all mingling together, and talking of danger from banditti to be apprehended that night, or to be provided against next day, without ever considering that, while they were disputing, the ruffians would escape in any direction they chose. Such was the evening of the eighteenth. The morning of the nineteenth was not much more orderly. The men, indeed, sober, and in earnest, for this time, had armed themselves well, were leaving the town in greater numbers than we had yet seen assembled. Their wives and children, believing there was now some real danger, were sitting lamenting in groups about the street; but they might have spared themselves the pain. The great pass had been left unguarded for more than twelve hours. Half that time would have sufficed the brigands, with their active habits, to have escaped to a distance, far out of the reach of pursuit.' pp 176–78.

Our travellers made their retreat very successfully to Tivoli; and being between twenty and thirty fire-arms, they were not attacked, although they found afterwards that they had passed within sight of the detachment. When they arrived, they found Tivoli in still greater consternation than Poli; and with cause; for the bulk of the Banditti, near one hundred and forty, were drawn towards that place; and they had divided into bodies of twenty only, for the sake of easier subsistence. Seven of them, armed with bludgeons, had one night almost entirely plundered a town of its provisions; and as the shepherds had become more cautious about supplying them, the fear was that some great attack might be made on Tivoli itself. Some of the gang seized the arch-priest of Vico-Varo, and a friend in his company, killing his nephew, who showed some disposition to resist. The ransom demanded was exorbitant, and could not be raised; whereupon the wretches first sent the ears, and afterwards the fingers, of their victims to their families. Still the ransom was not forthcoming; and they completed their work by murdering them both. With the brutal jollity which marks their cruelty, and is, as Mrs Graham most justly remarks, a great aggravation of it, one of those monsters had dressed him-

self in the poor priest's vestments, and made him wear the garment of a robber.

One of the earliest exploits of the Band, was to seize an unfortunate surgeon, who was on his way to visit a patient at Tivoli, from Castel Madama, where he lived. A letter written by him, and giving a most particular and most ingenuous account of all that befel him while detained by the ruffians, is inserted in this work, and certainly is full of interest. The simplicity of the good man's narrative adds a sanction to its accuracy, which the high testimony borne to his character renders almost superfluous. Nothing can paint the ferocious habits of the robbers, and, above all, their profligate indifference about the lives of others, more strikingly than the details of Signior Cherubini's misfortune. We regret that we have not room for more than a few traits; but the piece is of considerable length.

A land agent (or factor, as our fair countrywoman calls him in good Scotch, probably thinking it justified by the Italian *Fattore*) was in the surgeon's company, and captured with him; and on their way to the mountains, several others were taken, among whom was an old peasant. The first operation performed was, to make the surgeon write a letter to his patient at Tivoli, informing him, that unless two thousand dollars were sent, he (the surgeon) was a dead man; and also warning him against despatching any armed force. The robbers then sent out and captured two peasants to serve as messengers. While they were gone, the time was chiefly occupied with discourse tending to show the prisoners how little chance they had of escaping with their lives; how many had been killed in their situation, from the mere impatience occasioned by the slow return of the messengers; and how careless they were of shedding blood. Though the purpose of all this was only to torment their victim, yet it had the effect of making the surgeon volunteer to write another letter to his own house, for whatever could there be collected in aid of his ransom. This was also sent by a peasant who had been taken.

'After he was gone, I saw the factor Marasca walking about carelessly among the brigands, looking at their arms, and making angry gestures; but he did not speak. Shortly after, he came and sat down by me; it was then that the chief, having a large stick in his hand, came up to him, and, without saying a single word, gave him a blow on the back of the head, just where it joins the neck. It did not kill him; so he rose and cried, "I have a wife and children; for God's sake spare my life!" and thus saying, he defended himself as well as he could with his hands. Other brigands closed round him; a struggle ensued, and they rolled together down a steep precipice. I

closed my eyes, my head dropped on my breast, I heard a cry or two; but I seemed to have lost all sensation. In a very short time the brigands returned, and I saw the chief thrust his dagger, still stained with blood, into its sheath; then turning to me, he announced the death of the factor in these very words: "Do not fear: we have killed the factor because he was a sbirro; such as you are not sbirri; then, he was of no use among us. He looked at our arms, and seemed disposed to murmur; and if the force had come up, he might have been dangerous." And thus they got rid of Marasca. The chief, seeing that the money did not come from Tivoli, and being afraid lest troops should be sent, seemed uncertain what to do, and said to his companions, "How shall we dispose of our prisoners? We must either kill them, or send them home;" but they could not decide on either, and he came and sat down by me.' pp. 198, 199.

At length the messengers return from Tivoli, with all the money the poor man's friends could collect, five hundred scudi. The robbers take it, but still refuse to liberate him until the answer arrives from Castel Madama; and as the weather became bad, he was complaining of the death that awaited him should he be exposed to it all night; and added, 'that they had better have killed him at once.' The ferocious chief stopped him, and bade him have a care how he said such things; for that, 'to them, killing a man was a matter of perfect indifference;' and the same hint was given him by another of the party during the night.

'The chief told me they were always afraid when fresh wine came, lest it should be drugged; and that they always made whoever brought it drink a good deal of it; and if, in two hours, no bad symptoms appeared, they used the wine.

'After this, we went to the sheep-fold, which we reached about the fifth hour, and where we found a quantity of boiled meat, which the brigands tied up in various handkerchiefs, and a great coat, together with some cheeses. Before we left the fold, the chief, reflecting that the messenger was not come back from Castel Madama, began to think he might have made his escape entirely, because he was one of the prisoners from San Gregorio, determined to make me write another letter; and accordingly brought me all that was requisite for writing; and ordered me to tell my friends at Castel Madama, that if they did not send eight hundred crowns on the following day, they would put me to death; or carry me to the woods of Fajola, if there was a farthing less than the above-named sum. I consequently wrote a second letter, and gave it to the countryman to carry, telling him also, by word of mouth, that if they found no purchasers at Castel Madama for my effects, to desire they might be sent to Tivoli, and sold for whatever they would fetch. The chief of the brigands also begged to have a few shirts sent. One of the brigands propos-

ed, I don't know why, to cut off one of my ears, and send it with the letter to Castel Madama. It was well for me that the chief did not approve of the civil proposal, so it was not done. He, however, wanted the countryman to set out that moment; but he, with his usual coolness, said, that it was not possible to go down that steep mountain during the night; on which the chief told him, he might remain in the sheep-cote all night, and set out at day-light:—"But, take notice," said he, "if you do not return at the twentieth hour to-morrow to the sheep-cote, with the eight hundred crowns, you may go about your business; but we shall throw Cherubini into some pit." The peasant tried to persuade them that, perhaps, it might not be possible to collect so much money in a small town, at so short a notice, and begged to have a little more time; but the chief answered, that they had no time to waste, and that, if he had not returned next day by the twentieth hour, they would kill Cherubini.' pp. 205 to 207.

It appears, however, that their intentions were not to kill this poor surgeon, whatever might be the result of the message: They wished to employ him, some professionally, and others to sue for favours with the Government. The chiefs, too, seem to have been desirous of inculcating, through him, the necessity of a general amnesty and free pardon, as the only terms they could listen to from the Government. They talked largely of their resources; of the ease with which they could always recruit their numbers; and of the impossibility of taking or dispersing a set of men who were 'not a fortress to batter down 'with cannon, but rather birds flying round the tops of the 'sharpest rocks.' They spoke of having in view some daring exploit, perhaps of threatening Rome itself; and no doubt they might contrive to make some impression in that quarter long enough to plunder, with the certainty of escaping from enemies who would be too glad to see their backs turned. The ransom from Castel Madama having arrived, to the amount of six hundred crowns, he was suffered to depart; and received by his fellow townsmen, with abundant joy and gratitude to their protector, St Michael, for his deliverance. Indeed, the kind dispositions of the poor people in his native town, who sold their goods to raise the ransom, is a very touching circumstance in this narrative.

One feature in the character of the Robbers remains to be mentioned; they are all extremely religious. Each man has a silver heart, containing a picture of the Madonna and Child, hanging round his neck by a red riband, and fastened with a like riband to his left side. The Polese shepherds whom they seized, related their conversation on this subject. Showing them those pictures and hearts, they said, 'We know we are likely to die 'a violent death; but, in our hour of need, we have these'

(pointing to their muskets), 'to struggle for our lives with; and 'this (kissing the image of the Virgin), to make our death easy.' So one of them, while relating to the surgeon their chagrin at the escape of a rich and powerful victim, told him to 'suffer 'patiently for the love of God.' Nothing can be more striking than this unnatural and most pernicious alliance, which the abuses of the Romish faith, or rather superstition, seems so easily to form with the most criminal life. We are aware that the enlightened Catholics tell us, absolution is only given upon condition of sincere repentance; and that it is held by all their doctors to be unavailing, if the condition be broken. But can any of them answer for this being the impression of their flock? Or can any one doubt that even the prospect of obtaining it, though upon that condition, will lead to crimes being committed by those who may intend to be afterwards absolved, and lead a penitent life? Upon reason and principle, every criminal excess might be expected from men over whom the salutary influence of conscience is thus likely to be weakened; and the union in which we have just seen the most atrocious lives, with a constant, though most perverted religious impression, affords the strongest practical illustration of all the conclusions of argument.

We have had a specimen of the vigour with which the Roman police acts against these bands of robbers; but the reader would greatly mistake the conduct of the Holy See, who should imagine that there was no further war waged against them. Formerly, a whole town was destroyed, literally battered down, by the government, as the most convenient and equitable means they could devise of extirpating a gang, by destroying its nest. Somewhat of a similar principle seemed to be acted upon by the present administration, immediately before the circumstances occurred which we have been relating. A proclamation was put forth of much apparent vigour, and of unquestionable length. After an ample preamble, filled with the most bitter complaints that all former exertions of the government, how great and expensive soever, had been fruitless, and the most touching lamentations over the obduracy of the robbers, whom 'all the terrors of justice *denounced*,' could not appal, nor 'all the *hopes* of indulgence held out by the feelings of His 'Holiness's paternal bosom, could move to repentance'—this document proceeds to lay down a position of as incontrovertible truth, we will venture to assert, as ever emanated from the seat of infallibility, that the necessity for putting an end to the evil is urgent, and that vigorous measures are required. The nature of these is then unfolded; and the first is, the destruction of the town of Sonnino. Against this town an elaborate bill

of indictment is preferred, going back even for centuries, during which it has given birth to, and harboured most of the banditti ('native or hospitable') that infested the provinces. After enumerating various charges and aggravations, therefore, the proclamation announces, that the inhabitants are to be removed and dispersed, the town destroyed, and its territory divided among the neighbouring places; and that the proprietors are to receive an indemnity in the form most satisfactory to all good Catholics, and which, we may suppose, none but a scrutinizing Jew would cavil at, namely, annuities from the Apostolical Chamber, proportioned to the 'real net value of their land, 'upon a valuation made by competent persons.' Then follow fifteen other measures of inferior vigour, but much detail and big denunciation, omitting the only one which could prove effectual, the general permission to individuals to have arms in their possession, which a law in full force prohibits. Such a measure might have been expected from the wisdom and statesmanlike talents of Cardinal Gonsalvi, instead of the one which the prejudices of his colleagues have in all probability imposed upon him; unless, indeed, the risks of insurrection, in case the people had been suffered to arm themselves, might have given umbrage to the Holy Alliance, now so happily established in Europe, as the Holy Brotherhood were wont to be in Spain, for the purpose of watching over the police of all countries. A sufficient commentary upon the efficacy of this great and wordy epistle of His Eminency, has been afforded by the account of what passed one month after it was issued, and in sight of the Eternal City.

Our travellers were compelled to quit Tivoli, as they had been driven from Poli, by this great evil, which indeed deprives the country subject to it of every benefit of the social state. They found themselves shut up in the town, and unable to stir in any direction, even to the nearest vineyard, valley, or hamlet. The singular and not unclassic ceremony of blessing the Cascadi, was performed before they left it; and as the account of it is very short, we shall here close our extracts with it.

'A few days before we returned to Rome, a procession and ceremony took place in unison with the scene, and more perhaps in the spirit of Pagan and poetic times than of these. The oxen and goats which always come about noon to cool themselves, and drink in the river, had just retired from the long sandy point that runs out just above the great cascade. The bells of all the neighbouring churches and convents were ringing; the windows were hung with silk and tapestry; when the priests, dressed in their robes of ceremony, gold, and purple, and scarlet, followed by the religious confraternities, bearing banners, and images, and crucifixes, appeared in procession, winding along both banks of the river, and crossing the bridge,

Having reached the little shrines to the Virgin which stand one on each side of the top of the cascade, they stopped, and a solemn blessing was pronounced by the chief priest on the water, that, for the ensuing year, no evil accident might pollute its stream, and no life be lost in its cataracts. As we saw the scene from the windows of the Sybil Inn, the waterfall was between us and the procession; behind were the woody banks of the Anio; on each side the hills of Catillus and Ripoli; and the distance was closed by the Monte Spaccato, and a hill on which some antique masses of building are said to mark the site of the ancient temple of Cybele.' pp. 220–221.

In the Appendix, Mrs Graham has inserted a very copious account of the popular poetry of the modern Romans. She divides it into four classes; heroic ballads, humorous poems, lyrical ballads, sacred and profane, songs and *ritornelle*, (a kind of couplet or triplet used in serenading). The first class is the most popular and numerous; and she subdivides it into three, according as the subjects are legendary, or romantic and classical, or connected with the story of celebrated banditti; and the last of these appears to be in greatest acceptation. Nor can we doubt that the constantly hearing those exploits recited, which consist, without almost any variety, of a succession of barbarous murders, accompanied with every kind of cruelty and unfeeling profligacy, must have a very prejudicial influence upon the feelings and character of the people. The title of the most popular of the whole is this—'A new History, in which is related 'the Life led by Giuseppe Mastrilli, of Terracina, who, being 'in Love, committed many murders, and was banished from 'the States of Rome and Naples, on pain of being drawn and 'quartered; and who, having escaped during his Life from the 'Hands of Justice, died quietly in his Bed, repenting of his 'evil Deeds:' And nothing can be more characteristick. From the specimens which our author gives, there seems a certain archness in it, generally found in such compositions, and which Mrs Graham's translations do not quite preserve, either in this or in the others. Sometimes there is an absurd imitation of the heroic in the great poets, as when the story of a battle with the sbirri is told.

'Per quattr'ore di tempo in quel giorno,
Tremava ogni Cristian in quel luogo,
Altro non si vedeva in quel contorno
Che aria di piombo, e la terra fusco,
Nove persone morte si trovorno.' p. 256.

Pietro Mancino is another favourite hero. After a life of plunder, he falls sick; and, according to the religious nature of the banditti already described, his latter end is thus given, with great fidelity to nature.

' A Pietro intanto il male si aggravava
E da se stesso lo conosceva
Che giorno, e notte chiamava, e pregava
Per avvocata Maria, che teneva,
Perche semper il sabbato guardava
E mai peccato non vi commeteva
Maria chiamava, e bagnava le gote
Rese l'anima a Dio col sacerdote.' p. 259.

Our author's translation is certainly not very good, but it renders the sense of the original.

' Peter meanwhile perceived the time draw nigh,
When he must make his soul prepare to die,
And night and day he called on Heaven's queen,
His advocate, to whom he'd faithful been,
And still had kept her day from sin most clear,
And Saturdays alone throughout the year
He wrought no ill. On Mary then he cried,
And weeping with his priest, in penance died.' p. 260.

Another of these popular heroes of the modern Romans is Gobertinco, who killed in his time 964 persons and six children, entered every murder in a journal, and regretted that he did not live to kill one thousand, according to a vow he had made. One of these ballads begins—

' Canto non già d'amor ; non già di morte
Canto non già di gioja, o di contento ;
Canto solo d'oror.'

—And with some reason, it must be admitted ; for the bard's subject chances to be the exploit of one who killed his father and mother, strangled two brothers, and cut off his infant sister's head.

Among the modern songs, two are mentioned as being of much feeling, from which we should have wished to see extracts:—' Napoleon's Lamentation for his Fall,' and the ' Return of the Conscript.' Others may join in that lamentation, and wish again to see the day when a conscription, upon his model, was the worst evil they had to dread. The solid blessings of a good police, the inestimable treasure of national independence, the bright prospect of regeneration, and of once more taking her part among the nations of the world, were the advantages which Italy lost by the restoration of the ancient order of things, and the imposition of a barbarian yoke. They who blessed their stars that they had lived to see such sights, are probably now well content to view the renewal of an old, if not a venerable infliction—the Alps and the Appenines again swarming with Goths, and Huns, and Calmucks, the true guardians of social order, and props of modern civilization.

Art. X. 1. *Tableau Historique de l'Etat et des Progrès de la Littérature Française depuis* 1789. Par Marie-Joseph de Chenier. 1 vol. 8vo. Paris, 1816.

2. *Fragment d'un Cours de Littérature fait à l'Athenée de Paris en* 1806 *et* 1807, par M. J. de Chenier; *Suivis d'autres Morceaux littéraires du même Auteur.* 1 vol. 8vo. Paris, 1818.

The man who wrote these volumes was a member of the most extraordinary assembly that ever legislated in a Christian country; and a deputy to that Convention, which, by a majority of five out of 721 voters, perpetrated one of the most atrocious acts of modern European history: and condemned to death a monarch, of whom, without fear of being accused of Papal superstition, we need say but this—one of his judges opposed the sentence of death against him, upon the plea that Rome would take advantage of his martyrdom, to canonize his virtues.

If the stories told of the author of the works before us, on authority which it is not easy to resist, are quite well-founded, we must conclude that Marie-Joseph Chenier wanted only personal courage to have been among the most notorious men of his age. It was scarcely the enormity of any crime that startled him, but its celebrity, in a moment when vice was the surest road to eminence, and eminence to death. He did not, therefore, put himself forward in the foremost ranks of the conventional cohorts, either in action or in counsel. While some were defending the cause of liberticide anarchy in the forum, he was writing revolutionary tragedies; and, instead of the constitutions which others had framed for the French people, he presented his constituents with patriotic hymns in praise of juridical murder. He was the bard, rather than the legislator, of assassination. He constantly refused the dangerous missions of government to the armies or the departments, which might have marked him with responsible blood; but equally desirous, as Fouché or as Carrier, to show his remorselessness, he chose domestic victims; victims nearer to himself,—his father and his brother; and both of these he murdered with one stroke. *

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* The facts alleged against him, which were denied by his party, but never were disproved, and which were communicated to us by a person who had long been a friend of the family, who had sheltered André Chenier, the brother of our author while persecuted by the Revolution, and enjoyed the confidence of his father to the hour of his death, were as follows.—The political opinions of André C. were in favour of moderate royalism, while Joseph C. had procured for

The frequency and the enormity of guilt in the times in which he lived, obtained for this man a happy but unmerited obscurity as a criminal. The dearth of talent conferred on him a literary celebrity, which, otherwise, he never could have reached. His account of French literature since 1789, however, is interesting,

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Marat the honours of an apotheosis. He had turned into ridicule a Revolutionary feast, of which the latter had been the proposer, and had possessed considerable talents, of which he was jealous. M. Joseph was a member of the Committee of General Safety; and André was arrested. He was condemned to die two days before the fall of Robespierre. In the interval between his condemnation and execution, his father flew to the Convention, and, in one of the adjoining apartments, found Joseph C. surrounded by some of his most ferocious colleagues. There he fell upon his knees, to implore mercy from one of his sons toward the other. Marie-Joseph rose from his seat, and, leaning his head on his hand on the chimney, remained mute and motionless, while Robespierre himself seemed to wait for one word from him to grant his brother's pardon. But that word Joseph Chenier did not utter, even when the old man, rising from his knees with all the energy of despair, cried out, with a voice of thunder, 'Je te donne ma malediction!' and burst out of the room. André Chenier was guillotined the next day; and his father, upon whose authority this story rests, died of grief. Some of the poems and tragedies, which have since appeared under the name of Joseph Chenier, are said to have been written by André, and to have been found among his papers by the former, who appropriated them to his own use. We recollect, in the Roman history, that during the persecutions which Augustus exercised in Greece, after the battle of Actium, Cassius Parmenius was murdered by Quintilius Varus, who found among his papers many poems, and particularly a tragedy on the subject of Thyestes, which the assassin afterwards published as his own. But Varus was not the brother of Cassius, and their common father was not murdered with his son. Fratricide, from literary jealousy, was a crime reserved for a modern French revolutionist.

On the fall of Robespierre, this amiable person published a short poem, 'Epître à la Colonne,' in which he dared to strow a few flowers on the tomb of his brother; as Caracalla, after he had spilled the blood of Geta in the bosom of their common mother, placed him among the gods, and wept at the feet of his statues. The following are among the hypocrite verses he made on the occasion.

'Auprès, d'André Chenier, avant que de descendre,
J'éleverai la tombe ou manquera sa cendre:
Mais ou vivroient du moins, et son doux souvenir,
Et sa gloire, et ses vers dictés pour l'avenir.
La quand, de Thermidor la septième journée,
Sous les feux de Cancer ramenera l'année,
O mon frère! je veux, relisant tes écrits,
Chanter l'hymne funébre à tes manes proscrits.

for the very reason that it is drawn up by a person initiated in its worst mysteries. It may, in some measure, be regarded as a continuation of the Tableau which La Cretelle has given of the literature of the eighteenth century, in his History of France, during that period.

The epocha which Chenier had to discuss, was a much more ungrateful season than that which La Cretelle had examined; neither has he shown the same talent in treating it; so that, upon the whole, his work is inferior, in interest and execution, to that of the historian. Being destined, however, to form a distinct treatise, the method he has adopted is preferable. Each branch of literature has its separate chapter—grammar, moral and political philosophy, eloquence, history, poetry, &c.—forming, in all, twelve heads, under which the whole subject is comprised; and we shall follow the same order in giving an account of his work.

The First chapter is upon Grammar, in which are comprised, not merely the rules of speech, but the whole art of thinking. Bacon, says M. Chenier, was the first person who made the due distinction between positive and philosophical grammar. Fifty years after him, Launcelot, directed by Arnault, one of the most celebrated among the society of the Port Royal, produced the grammar which has been the foundation of that science in France. Arnault had indeed been preceded by Robert and Henry Estienne, under Henry II., as he was followed, since the establishment of the French Academy, by Vaugelas, T. Corneille, Patru, Menage, Bouhours and Dangeau. In the beginning of the last century, Desmarais published his French Grammar; and Gerard, taking advantage of an idea first started by Fenelon, his Synonymes. About the same time, Dumarsais published his Treatise on Figurative Language, which was but a part of a much larger work; some of which has been scattered in different articles in the Encyclopedie. At length Condillac produced the most complete work upon Philosophical Grammar that has ever appeared, says M. Chenier, in any

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La souvent tu verras, près de ton mausolée,
Tes frères gemissants, ta mère désolée;
Quelques amis des arts, un peu d'ombre et de fleurs,
Et ton jeune laurier grandira sous mes pleurs.'

But the public was not deceived by his tears; and it is said, that, long after the murder of André Chenier, a letter was, by some means or other, daily conveyed to him, containing merely these words—'Cain, Cain, qu'as-tu fait de ton frère?' He died a natural death in 1813, pursued by shame, not by remorse; and more afflicted, we apprehend, at the loss of worldly consideration, than with the stings of an accusing conscience.

country; beginning with the first generation of our ideas, by means of our senses, and thence deducing many luminous consequences. Among contemporaries, he mentions Domergue, whose speculations are just, but complicated, therefore we conceive useless in practice; and the Abbé Sicard, whose grammar, some say, is too clear, that is to say, too full of unnecessary illustrations, and thence too long. But they who make this objection do not recollect, that Sicard wrote under the strong impression of his daily task; that of stimulating into action the faculties which the privation of one powerful sense had left in a state of indolence in his afflicted pupils. A little redundancy of elucidation must rather be pleasing, when it calls to our minds a life of uninterrupted benevolence.

M. Thurot has translated Harris's Hermes, and added a history of the science, since the schools of Athens and Alexandria, down to Condillac. Other modern names are Lemare, Marmontel, Garat, Rivarol, Butet, Volney. The latter speaks in favour of an universal alphabet, which might be so devised as to be applicable even to Asiatic languages. This project has at least the merit of being of more easy execution than a universal dialect; and of much more importance than a universal system of weights and measures.

In the analysis of the understanding, every thing may be traced back to Bacon; and after him comes Hobbes. Des Cartes was the founder of true logic in France; though, in metaphysics, he often erred, by deviating from his own rules; and the Logique du Port Royal soon followed. Malebranche pointed out the fallacy of our senses, and the illusions of our imagination, as fertile sources of error. Locke was translated; but the ideas he had refuted, though exploded in England, continued to be received in France until the middle of the last century, when Condillac published his various works, and gave general currency to the doctrines of our countryman. The Psychologie of Bonnet, 'l'Esprit' by Helvetius, were remarkable at the same epocha. In the first organization of the Institute, the Class of Moral and Political Sciences proposed the following as a prize question. 'To determine the influence of signs in acquiring ideas and knowledge; together with the influence which the improvement of signs is likely to have upon the future progress of the human mind.' The prize was won by M. de Gerando. In his Memoire he treats many collateral questions; among others, this very important one: Natural signs can awaken in us only sensible ideas; while all our abstract ideas must be obtained by means of artificial signs; that is to say, by language. He examines the influence of signs, and the modes by which artificial symbols may be improved, in such a

manner as to compose a truly philosophic language; and adopts the opinion of Leibnitz, that the most direct method is not to invent new idioms, but more firmly to fix and know the value of old and current expressions. He is fully persuaded of their competence. To the same class M. Maine-Biran presented a Memoire 'on the influence of habit on the faculty of thought;' and M. Laromiguiere two Memoires, one on the words *Analyse des Sensations*, and another on the word *Idées*. Marmontel also published a Logique, vastly inferior to that of the Port Royal; and in which he declares himself a partisan of innate ideas, and bitterly reproves the *new doctors*, forgetting that, in the number, are comprised all philosophers prior to Des Cartes, and posterior to Locke: nay, even his great master, Voltaire himself, was among the scoffers of innate ideas. Yet Marmontel was one of the perpetual secretaries of the French Academy. But the writer to whom Chenier gives the palm, is Mons. de Tracy. The first volume of this author is entirely given up to *ideology*. To think, to feel, being, in as far as we are interested, the same thing as to be, he explains, from that assumption, the elementary faculties of the entire man; and, after considering them, he considers their signs, written and articulated. Hence originates general grammar, which is the object of his second volume. In this, he resolves language into its first elements, and inquires what may be requisite in an idiom to make it logically perfect. To do this question justice, it is indispensable to determine what is to be understood by logic; and such is the subject of his third volume. Logic, he says, is nothing more than an exact and complete examination of the relations which our different sensations bear to each other; and he shows the uselessness of syllogistic forms, in all such inquiries. This is the work which gives the best idea of the present state of the science in France. It is dedicated to Cabanis, a physician, and one of the first French ideologists of his time. In twelve memoires read to the Institute, and since collected into two volumes, on the relation of the physical to the moral natures of human creatures, Cabanis discusses many bold and curious points relating to man, in the different epochas and circumstances of his life, to which he is inevitably subjected by nature. In the Leçons des Ecoles Normales, M. Garat exposes a variety of luminous doctrines upon our senses, and upon our sensations; in which he demonstrates, 1*st*, that language is necessary, not merely to communicate, but to acquire ideas; and, 2*d*, that the first types of artificial signs, and hence of alphabetic language, were suggested by the signs which, in the human countenance, express our sensations. The hundred pages of M. Garat contain, says our author, more just and profound views than all the volumes of the old schools;

and the author has practically resolved a question propounded by himself, 'Whether philosophical language can be at once exact and eloquent?' This science, which sprung up in England about two centuries ago, was cultivated, almost exclusively, in that country, during a hundred and fifty years; but, within the last half century, it has made prodigious progress in France.

Such is the abridged account given by our author, concerning the state of the art of thinking in his country. It is true, that it has made great progress in France of late years. But this expression is equivocal; and, if he means that the science itself has received important additions and improvements from the labours of French metaphysicians, we must differ from him. All we can allow is, that the French know more of this matter in the nineteenth, than they did in the eighteenth century.

In the whole circle of human knowledge, hardly any point could be found in which the English nation has had so vast a superiority over the French, and still continues to hold it, as in Mental Philosophy. The errors which Des Cartes had taught, opposed by Gassendi, but inculcated and diversified by Malebranche, continued to be prevalent in France long after the period when sounder doctrines had become common in Britain; and the existence of innate ideas was taught, in that country, even to the end of the eighteenth century. It is true, that the opinions of our great countryman, who may be considered as the refuter of the intellectual system of Des Cartes, as Newton was the refuter of his physical errors, were known to French philosophers before that period; but they had not produced the impression which a thorough knowledge of their value must always create. 'They are sanctioned,' says Mr D. Stewart, 'in 'France by the authority of Fontenelle, whose mind was pro- 'bably prepared for their reception by some similar discussions 'in the works of Gassendi; at a later period it required much 'additional celebrity from the vague and exaggerated encomi- 'ums of Voltaire; and it has since been assumed as the com- 'mon basis of their respective conclusions concerning the histo- 'ry of the human understanding, by Condillac, Turgot, Hel- 'vetius, Diderot, D'Alembert, Condorcet, Destutt-Tracy, De 'Gerando, and many other writers of the highest reputation, at 'complete variance with each other in the general spirit of their 'philosophic systems.'

The mode in which the French have expatiated upon the doctrines of Locke, is more nearly allied to enthusiasm than to reason; and, therefore, not of the calm and dignified nature which is grateful to philosophy. Hardly any two of his admirers, in

that nation, interpret him alike; and the loudest in his praise are they who the least have penetrated into the true spirit of his system. Most assuredly the declamations of Voltaire are not of half so much value as the rational acquiescence of Condillac, Helvetius, Diderot, in his general sentiments; even though it was occasionally qualified by some difference of opinion, and much misconception; yet the witty tragedian never gave half as many proofs as they did, that he understood the theme of his raptures.

The first in France who undertook fully and clearly to expound the doctrines contained in Mr Locke's Essay on the Human Understanding, was Condillac; and for that reason he has been called, in France, the Father of Ideology. The service which this very ingenious writer rendered to his countrymen, in making them acquainted with sounder doctrines, is undoubted; but the additions which he made to the science are small. The accuracy too, with which he exposed the system of Locke, may well be questioned; and, while he flattered himself that he had made it more easily comprehensible, he had rather loaded it with new difficulties, deceiving himself by the adoption of a favourite mode of speech which he himself had created, and which in fact involves, in great apparent simplicity, much more obscurity than the original explanation of Locke; for surely no expression in the English philosopher is so metaphysically obscure as the assertion, that all the operations of the understanding are *transformed sensations*, and no principle so ill founded, as that *feeling* comprehends *all* the powers of the mind. The misconceptions of Condillac, however, have been universally received and enlarged upon in France; and the explanation, which we have represented as defective, was not only implicitly adopted by Helvetius, as the grand discovery to which the Englishman owes all his glory, but we find it again pervading the later speculations of Condorcet, who says, that all our ideas are compounded of sensations. One of the strongest minded of all the French philosophers of that day, Diderot, also lays downs the following general law: Every expression that cannot find some sensible object, out of ourselves, (hors de nous), to which it may be referred, is void of meaning. Finally, 'penser c'est toujours sentir, et ce n'est rien que sentir,' said M. Destutt-Tracy in 1804.

In the first reception they gave to the system of Locke, the French seemed in an extraordinary degree to overlook one great portion of his theory—that which attributes, to one entire class of our ideas, another origin beside direct sensation, viz. reflection. But this is quite in the mode of our too lively neighbours. The precipitancy with which any new idea runs

away with them, carries them beyond all bounds; and, losing sight of every other principle, they soon conceive it to be the universal agent, and exclude all past or future knowledge from existence. When the first steam-boat appeared on the Seine, serious apprehension was entertained that the breed of horses would be injured by it; and when balloons were invented, it was much lamented that men would soon have it in their power to carry armies up into the clouds, and imbue with blood new fields of air. No sooner, too, was sensation pointed out to them as a source of knowledge, and an origin of our ideas, than it absorbed their whole minds; and, with an undue spirit of generalization, they referred the entire system of intellect to this source, without restriction. The dilatoriness which they showed in discarding the innate ideas of their countryman, has since been compensated by the unqualified extension which they gave to the new system, and which, at this hour, they maintain, and are continually studying to increase, notwithstanding the revisions and modifications which the ideas of Locke are daily undergoing in the country of his birth. The French seem to have little knowledge of the intellectual philosophers of Britain posterior to Locke; and their distance behind us, at this moment, is exactly equal to the interval which separated our present knowledge from that which we possessed when the system of innate ideas received its final refutation. To this, too, must be added the abuse they have made of the British system, and the superstructure of errors which they have accumulated upon the most controvertible portions of Mr Locke's opinions, and to which the very first philosophers of France, Condillac, Helvetius, Diderot, Condorcet, and, more lately, Destutt-Tracy, have largely contributed. As to sound original thought, and prudent discovery, they can adduce but little on any of the great points of mental philosophy; and the knowledge of intellect is, in truth, less indebted to them, for its progress, than to any of the thinking nations of Europe.

Among our latest intellectual philosophers, the two who, if well known to the French, would be the most salutary to them, because most fatal to their passion for excessive speculations and immature generalization, are Dr Reid and Mr Stewart. The former has so admirably fixed the boundaries of those regions into which the human mind may penetrate, with reasonable expectation of advantage, and shown the futility of going beyond those limits, that he might be of the greatest use in confining them to attainable inquiries, and preventing them from wandering where there is nothing to guide, and nothing to convince them. The latter has so successfully explored those regions,—has shown with so much constancy, yet with so much

indulgence, the abuses of licentious imagination, in cultivating a field which the strictest reason only can make usefully prolific, that he might help to assure them how little the interests of truth, in the researches which mind can make respecting itself, can be promoted by fancy. The former, when he showed the verge near to which the weakness of the human understanding begins, has concentrated its real powers; the latter, by merely lopping off the redundant errors of preceding systems, as a true lover of nature reluctantly cuts down the venerable oak of his ancestors, even while he fears it may impede the growth of the trees in which his children's children will delight, has opened many new views of intellect, and generally terminates the prospect with something exquisitely beautiful. One thing which raises Mr Stewart above all mental philosophers, is the spirit of philanthropy which breathes in every line. He most unostentatiously, we had almost said unconsciously, discusses the powers of mind, as if he was laying a foundation for the philosophy of virtue; and his object seems to be, to acquire a knowledge of the intellect of human creatures, as the means of making them happier. This is a point of view in which no French philosopher can be compared with him; and which would have set him infinitely before M. Garat and Destutt-Tracy, even had he been less eloquent than the former, and less profound than the latter, and less exact and intelligible than both. But the labours of Dr Reid and Mr Stewart are sometimes of that negative kind, which would rather be an annoyance to such minds as are more pleased with the novelty, than with the solidity of their speculations; and it is not to be expected that these philosophers can at present be appreciated in France. The only French philosopher to whom we could compare Mr Stewart for prudence and philanthropy, is he of whom Louis XVI., in his Council of State, one day said, 'No person here loves the people, except Turgot and myself.' Certainly, all that has been ever done in France upon mental philosophy, cannot be set in comparison with the single labours of Mr Stewart; yet, to the French list, Des Cartes, Condillac, D'Alembert, Diderot, Gassendi, Helvetius, Malebranche, we can still further bring the names of Bacon, Beattie, Belsham, Berkley, Cudworth, Clarke, Darwin, Harris, Hartley, Hobbes, Hume, Hutcheson, Hutton, Locke, Priestley, Reid, Shaftsbury, Smith, &c.

M. Chenier's Second Chapter is on the Moral and Political Sciences. They are so nearly allied to those which are the theme of the preceding chapter, that no very considerable progress could be made in the one, without advancing the other; so much do both depend upon a proper estimation of the human creature. Accordingly, we find the French again deficient in

those branches of knowledge, which, from their constant application to human concerns, are more important than inquiries into the mere operations of mind. The earliest moral writer in France, says M. Chenier, is still the best, Montaigne, who, by great originality of thought and of expression, and by a powerful independence of spirit, is one of the most engaging of all essayists. Charron, with less mind, has more method; and La Mothe le-Vayer was the boldest of all the moralists in the age of Louis XIV. The Essais de Morale, by Nicole, are even now held in estimation; and the brevity of La Rochefoucault's Maxims still gives them currency. But the work of the 17th century which is the most read at this day, is the Caractères de la Bruyere. To him succeeded Duclos; and two ages, rivals in glory, produced, on the one hand, Telemaque by Fenelon, and, on the other, Emile by J. J. Rousseau; two works to which nothing either ancient or modern can be compared. To these works Chenier adds 'L'Influence des Passions sur le Bonheur des Individus et des Sociétés civiles,' by Mad. de Staël; the translation of Smith's Theory of Moral Sentiments, and also, 'Lettres sur la Sympathie,' by Mad. de Condorcet; a tract by Feuillet, on this question, proposed by the Institute, 'L'emulation est-elle un bon moyen d'éducation?' Two tracts, under the modest name of Catechism, one by Volney, called 'La Loi Naturelle, ou Catechisme du Citoyen Français,' and the other by St Lambert, being a section of a greater work, 'Principes des Mœurs chez toutes les Nations.' The Political Sciences owe their origin in France to the great Chancellor l'Hopital, worthy of a better prince than Charles IX. Dumoulin seconded the efforts of the Chancellor. Languet, under the name of Junius Brutus, wrote a Latin treatise, since translated by himself, and entitled, 'De la Puissance Légitime du Prince sur le Peuple, et du Peuple sur le Prince.' La Boetie, the friend of Montaigne, published a 'Discours de la Servitude Volontaire.' Badin was in some measure the forerunner of Montesquieu. The 'Economies Royales' by Sully; the 'Memoires des Intendans de Province;' the 'Dîme Royale' by Boisguilbert, threw great light on public economy; as did Lamoignon and d'Aguesseau upon civil legislation. Shortly after appeared Montesquieu, he whose writings will the longest continue to influence the happiness of mankind. To him succeeds a long list of names, which we can do no more than enumerate—Rousseau, Mably, Voltaire, Servan, Dupaly, Turgot, Necker, Calonne, Mirabeau, Sieyes, Lebrun, Barbe Marbois, Rederer, Dupont de Neucours, Garnier, Say, Merlin, Perreau, Bourguignon, Bexon, Pastoret, La Cretelle, De Bonald, Condorcet.

No language possesses a more delightful essayist than Mon-

taigne; and we admire him, not so much for depth of thought, as for a charm which he has spread over all his writings, even by his very defects. Full of himself, his vanity is not only excused, but even becomes seductive; and one reads him as one listens to the confidence of a friend, whose egotism is a proof of his sincerity, and whose frankness flatters. The scepticism with which he abounds, and which, on other occasions, we should not be so ready to palliate, was, in him, a sentiment of benevolence; for, surrounded as he was by intolerance, hearing nothing in his ears but 'believe or die,' seeing no principle of action but compulsion, no argument but the scaffold or the stake, he considered it as a duty of humanity to persuade his contemporaries, that to doubt was sometimes prudent; and that no part of opinion was sufficiently stable to authorize persecution. The general spirit of his writings seems to countenance this opinion of his intentions. Not nearly so amiable was La Rochefoucault, whose Maxims have done more, than almost any other work, to give credit to the unsocial sentiments, in which they who find it more easy to calumniate than to love their species, and indulge their wit at the expense of their heart, place their whole philosophy. La Rochefoucault had lived among the most licentious portion of his licentious countrymen; and he generalized what might be partially correct. It cannot be said that any one of his Maxims is absolutely and universally false, or that any one of them is absolutely and universally true; and this latitude of opinion is that which makes them dangerous. We have often thought, that a good commentary upon his principal aphorisms, drawn from a more liberal field of observation, might destroy a part of their noxious effects, and reduce them to their proper value, by pointing out the cases in which they should be rejected or received. Madame de Maintenon's description of La Rochefoucault is so far characteristic of French manners, that we are quite certain such a jumble of opposites never could have been collected in the description of any Englishman, by one of his own fair countrywomen. La Rochefoucault, she says, was *intriguing*, *supple*, *wary*; yet there never was a friend more *open*, more *solid*, or who gave better advice. La Bruyere was much more amiable; and, though living very near the court, he did not draw mankind from so narrow a model. As a painter, he is lively and amusing; but we have always thought his reputation exceeded his merit, and, above all, his originality.

It must surely give the reader a low opinion of the political sciences in France, to hear that they owe their origin to the Chancellor l'Hopital, who died in 1573. Such, however, is the fact. The Chancellor l'Hopital was an able and an upright

magistrate, greater by his virtues than his talents; intrepid in the midst of every danger, and with a soul which only the vices of his nation could overwhelm. After the murder of the Protestants, whom he had always protected, he ordered the widest doors of his castle to be thrown open to the executioners of the St Bartholomew, who had come to assassinate him; but he died of grief at the crimes of his country. It is not a little remarkable that his predecessor, who had also been his friend and protector, the Chancellor Olivier, had sunk under a similar weight of sorrow but a few years before. One cannot but be struck with some individual exceptions of virtue in times of great national depravity; as with the boldness which some few writers have shown, amid great national servitude. Both the one and the other are pleasing to a people that has not lost every sense of good, and that is alive at least to the glory of independence; and if such men as Olivier and l'Hopital are examples of the former, many instances of the latter may be found under some of the most tyrannical sovereigns of France. But neither they, nor the only great political writer that country ever has produced, Montesquieu, could give the nation at large political wisdom, or even make it the select study of a few, until, at the end of the last century, it suddenly occurred to them that subjects had rights, and that men were born to be free. But they have shown no great wisdom, assuredly, in the practical application of this doctrine.

We shall not enter into any very minute details upon the state of the political sciences in England, as it is a subject upon which every Briton who reads and thinks at all, must know enough to convince him of our superiority. We shall, however, bring together the names of some of the great legists of Britain, who had taught and discussed the rights and privileges of men, in general, and the means by which their countrymen had secured the enjoyment of those natural immunities to themselves and their descendants, previous to the epocha in which M. Chenier has fixed the birth of the political sciences in France. It is useless to look further back than to the Conquest; and we shall conclude with Coke, who was born twenty-three years before the death of the Chancellor l'Hopital: Bracton, named also Brito, Brooke, Coke, Fleta (or the authors of the work bearing that name), Fitzherbert, Fortescue, Hingham, Littleton, Statham, Staundforde. The reign of Elizabeth was that which began to abound with persons learned in the law; and from that period, the number has gone on increasing. Indeed, if any proof were wanting of our superiority, we need but to say, Behold both countries! 'Si monumentum quæris circumspice.' The very end and object of all political sciences is civil liberty.

Two men whom Voltaire was particularly fond of turning into ridicule, were Montesquieu and Shakespeare—and for the same reason—because he did not understand them. The greatest political writer that France has ever produced, and one of the greatest that has been known in any country, is unquestionably Montesquieu. It is said that this author, who had constantly meditated upon his subject during twenty years, gave his Esprit des Loix to be read by the man in France whom he considered as the best informed upon such subjects, and the most capable of pronouncing a just opinion of it; and that this friend, who, it seems, was more candid than enlightened, objected to the work in general, and particularly to some of the greatest views contained in it. 'Then,' said Montesquieu, 'I see my own age 'is not ripe enough to understand my work; nevertheless, I will 'publish it.' But not even the present age in France is ripe enough to understand him; and it is certain that, owing to the profoundness of his views, and the strength of his meditations, he is the only author of France who is generally underrated by his own countrymen. The praise which they bestow upon him has rather the appearance of what one Frenchman owes to another, in reverence to their country, than a just homage to the merit of the individual. Two things also the French cannot pardon in Montesquieu; his having spoken well of England, and his assertion that honour is the principle of monarchy. We are inclined to do every justice to this admirable writer, who was so much above his age and nation. But it was not from his own age or nation that he learned to think. He had in presence the whole world, and all its ages past. Yet in his works may be found the marks of the time and place to which he belonged, as, indeed, the greatest mind can hardly escape such influences as those. He had no small share of the ambition which, about his time, began to infect the literary world of France; and a brilliant paradox, a dazzling epigram, enflamed him. His mind was comprehensive rather than great; for it allowed itself to be narrowed by affectation. What he had grandly seen, he often finically expressed; and the language of his thoughts bore no just measure to his conceptions. In all his writings, perhaps, not an eloquent page could be found; for he studied to avoid all ornament: yet surely eloquence is less to be avoided than quaintness; and simplicity is not his characteristic. His style has been compared to that of Tacitus; but they are alike only in brevity, which, in the Roman, was more natural than in the Frenchman. He must be excepted also from a class of men with whom he has often been confounded, the Encyclopedists, to whom, in truth, he is very unlike; for he preached

not the subversion either of religion or of government, and was not envious of any thing established. It must be a very lax principle of classification, indeed, that could bring Voltaire and him under the same description, as to intention; and the very eulogium which M. Chenier makes of the former, confirms this opinion. He says, that the eighteenth century is more indebted to Voltaire for its progress, than to any other single individual. To him, more than to any other individual, the eighteenth century owes, we fear, its crimes. If, on the contrary, the French nation had studied and understood Montesquieu, they would have inquired of their own conscience and reason, before they began to demolish all the institutions of their country, whether or not they were yet capable of rational liberty; and if they had listened to the salutary negative which they must have found there, the world would have been spared from many useless crimes; and the cause of true freedom would have been more advanced by time alone, and by the progress which, in the present state of mankind, is inseparable from it, than it has been by all the outrages and precipitancy of France.

The subject which succeeds is Rhetoric and Literary Criticism. After enumerating the ancient critics of France, the first things which our author notices are a Treatise on Eloquence, by the famous Abbé or Cardinal Maury; in which the pathetic unction of Fenelon, the sublime majesty of Bossuet, the religious austerity of Bourdaloue, the exquisite and varied elegance of Massillon, are duly mentioned; two others by La Cretelle, and a translation of Blair's Lectures. Of the latter he speaks in very high terms; and, as he tells us in downright honesty, because Dr Blair has spoken very highly of the French. One of the principal points which he notices, is pulpit oratory; and says, that the English will find him sparing of his praise to their Archbishop Tillotson. We shall bring under one head the observations we have to offer on the subject of English and French eloquence in general.

In the *first* place, then, we find it impossible implicitly to agree with Mr Hume or Dr Blair, that eloquence has declined in modern, compared with ancient times. The eloquence of the two periods is certainly different; but its difference consists entirely in the means now and formerly employed, by orators, to win the consent of their auditory. Those means must, at all times, be suggested by the condition of society; which is itself dependent upon the state of intellect, and its development in the men and nations who are to be persuaded or convinced. Now, certainly the nations of antiquity were more governed by their sensations and passions, more by their feelings and less by

their reason, than those which have risen to greatness and civilization in modern Europe. The entire difference in the state of past and present oratory, is owing to this single cause; for, from it, have arisen a variety of modifications in the forms of government, and consequently of debate, all of which have a tendency to diminish the influence of enthusiasm in national councils, and to bring the great concerns of men, as much as may be, within the pale of raciocination. Impassioned eloquence, less frequently resorted to because less effective now, may have declined; but the eloquence of reason never flourished as in later nations. The most esteemed of the orations of Demosthenes, are those in which he aspired at producing a sudden and vehement impression, at inflaming the minds of multitudes, and awakening all that was generous in their natures to the defence of their country. Cicero never is so much admired, even at this day, as when he addresses himself to the passions of those he would persuade. But the orators of later times are always more esteemed when they endeavour to convince our understandings, than to captivate our feelings; and this characteristic pervades all modern eloquence, whether of the bar, the pulpit, or the senate. Many are the exclamations and tropes in the Greek and Roman models, which produced the mightiest effects upon the sensitive populace of Athens or of Rome, but which, with whatever gesture or modulation they might now be declaimed, could have no effect upon the reason of a British Parliament. But a few weeks since, a member, even of the French Chamber of Deputies, observed, that the oratorical method by which Scipio Africanus shook off a charge of peculation, would not now avail a minister of finances; and we rather think that Mr Tierney would look a little awry at a Chancellor of the Exchequer who, in reply to his calculations, should say, 'This day 'last year I won the battle of Zama or of Waterloo.'—'Therefore why debate?' Yet certainly the oratorical movement of Scipio was not deficient either in energy, in pathos, or in grandeur. If it be true that human concerns are better governed by reason than by passion, that men are in the right when they endeavour as much as possible to commit their safety to the former, and to exclude the anarchy of the latter; that the former ennobles the species, and adorns the heart, gives strength and stability to all the good which sensibility can inspire, and robs enthusiasm of all its danger;—it is not easy to conceive how eloquence can be a loser, by addressing itself to the understanding. Is it more difficult to inflame, than to convince mankind? Does a sudden burst of feeling require a greater intensity of mind, than a long chain of inductions? Has the inheritance of

thought we have derived from our forefathers, been of so little advantage, that, at this late hour of the world, no better means can be used to move us, than the rude engines of ignorance, employed while men were gregarious, not social? We grant, indeed, that many oratorical resources are now excluded from discourse. But have none others of equal beauty been introduced? Has not argument its eloquence, as well as explosion? and may it not be adorned with as many splendid illustrations? It were a paradox indeed to say, that what elevates the mind of man, debases the language in which he is addressed. We may admire the orator who can play upon human passions at his will; but we cannot so much respect the nation that allows itself to be made his sport, as that which opposes the pauser, reason, to the precipitancy of his eloquence.

The eloquence of the moderns is characterized by the actual state of the human mind; and, not only does it differ from that of the ancients, but every nation has its peculiar oratory, more or less approaching to argumentative eloquence, in proportion as passion has been subdued and reason been expanded. In England, no mode of speech which could not stand the test of severe scrutiny, could long be current; and, whatever be the place where Englishmen meet to discuss, little progress can be made but by argument. Nay, so true is this, that they who would mislead them, even in their most popular assemblies, must do it by the sophistry of reason, not by passion; and the road to their feelings lies directly through their understandings. Even their errors are imbibed in logical forms; and their minds must be convinced or entangled, before they can be inflamed. In our Parliamentary discussions, the proportion of argument very far exceeds that of pathos. The discourses of Lord Chatham, even in his most impassioned moments, were founded upon argument, which, indeed, he often enforced with vehemence and warm feeling; and, roused as he was to indignation, at the idea of the British employing Indian tomahawks, or at the perverted use a Peer proposed to make of the means which God and nature had put into their hands against their American brethren, he gave scope to passion; but it was not till he had long laboured to convince the Senate, by reasoning, of their impolitic conduct towards America, that, in a midnight debate, he implored their Lordships not to rob the Americans of the last hope of obtaining their rights, at that dark and silent hour, when honest men were in their beds, and thieves alone were waking for their prey. The same thing, even in a greater degree, may be said of the orators who adorned the close of the

last century; and what confirms our general opinion is, that the eloquence of the great speakers who were born in Britain, was more argumentative than the eloquence of Irish orators.

The eloquence of the Bar in France was, and is, nearly null. It appeared upon some very rare occasions, and but feebly; but was not habitual. In England, pathos is little used in pleading, and still less in courts of positive law than of equity; and, in every case when too warm addresses are made to the feelings of a Jury, the Judge not unfrequently cautions them against the seductions of impassioned eloquence. In ancient Egypt and in Greece, the pleadings of the Bar were written.

The eloquence of the Pulpit is that in which the French have the most excelled. The Church was indeed the only field there open to oratorical talents; and the Catholic religion, more imaginative than the Protestant, allows greater scope to imagery and pathos; while the latter is more richly stocked with argument and reason.

In proportion as a subject is solemn and sacred, the English conceive, that, in treating it, passion should be excluded; and religion is so powerful and majestic in itself, that it needs only to be explained to the understanding of rational beings, to be appreciated. In fact, the pulpit is not the proper place for impassioned eloquence; which, if it guides us well to-day, may equally mislead us to-morrow: while all the sophistry of false reasoning never can pervert us so widely, or so dangerously. It is not because English preachers read their sermons that their style is tame; but it is because the object of Protestant preachers is to be calm, and argumentative, that, in this country, an appearance of extempore delivery is avoided. Arguments which come recommended by the sedateness of meditated composition, are more forcible upon the understanding than sudden suggestions; but half the energy of passion is derived from its freshness. Among the pulpit orators of France, Saurin, a Protestant, is distinguished for his gravity. In a word, the entire difference between the oratory of England and France may be thus stated;—the eloquence of the English is ratiocinative, argumentative, demonstrative; the eloquence of the French is imaginative, declamatory, impassioned. The former excel in the senate and at the bar, because they have long been free; the latter are more brilliant in the pulpit, because, as Catholics, they can indulge in oratorical forms, the frequent use of which is denied to British divines, by the moderation of Protestantism. These differences are to be accounted for, like all other

national differences, not by a disparity of talent, but by a diversity of character, which acts as a check or as a stimulus to the growth of every faculty.

The two next chapters are upon History; the first real, the second fictitious. Three things, says our author, are necessary to an historian—talent, love of truth, and liberty; *all* of which, he adds, were wanting in most of the persons contained in the long list of French historians. At first, indeed, the deeds of France were recorded in chronicles written by monks, and in Latin. Joinville and Froissart were among the earliest who wrote in French; and their *naïveté* still pleases. Philip de Comines painted, in sombre colours, the Court of the dissembling Louis XI. Seyssell was not an adequate historian of Louis XII. Brantome was a mere compiler of anecdotes; he is, however, very amusing. Sully, Perefixe, are interesting, because their hero is so, Henry IV. It is much to be regretted that De Thou did not write in French. Then came Mezeray, sometimes too familiar, sometimes almost eloquent; superior to Daniel, and even to Velly and his two continuers. Bossuet needs no eulogium. St Real, the alleged rival of Sallust, was not always correct. He who, by his vivacity and variety, came the nearest to the historian of Catiline, was the Cardinal de Retz, in his Memoires. Then came Vertot, the Père d'Orléans, the Abbé du Bos, and Rollin, the most elegant and easy of all; but whose history is too much reduced to the level of youthful understandings. The Abrégé Chronologique of Hainault is also well conceived. Two men of genius flourished about that time, Montesquieu and Voltaire. The history of Louis XI., by the former, is lost; but the latter, says M. Chenier, is the founder of a sect which has since spread itself over England, where public spirit and liberty are favourable to the labours of the historian. Condillac was weak in this branch of literature; but Mably is indispensable to every person who would study the progress of the French government. To this list he adds Gaillard, Reynal, Rulhières, and all the translators of the times. One of these we must notice. Mons. Leveque, the translator of Thucydides, published a Roman History, the object of which was to depreciate all the republican heroes of that nation, in favour of despotism; and by order of Bonaparte, or at least under his special protection. We cannot pretend to enumerate every person mentioned and descanted upon by M. Chenier; but two of them we must speak of. One of these is Anquetil. His History of France is, perhaps, that which, on account of its moderate length and other qualities, is the most likely to be popular. It is written with little talent—chief-

ly according to Velly, from whom whole pages are often transcribed. In his younger days, he had acquired some reputation by two historical works, 'l'Esprit de la Ligue,' and 'l'Intrigue du Cabinet.' The other is Fantin des Odoards, a continuer of the continuers of Velly, and author of a miserable voluminous work, which he calls 'Histoire Philosophique de la Révolution,' and who is remarkable for the reciprocity of abuse with which he and M. Chenier bespatter each other. Rulhières on Russia, and again on Poland, is among the first modern historians of France. Thouret is a useful abridger of Mably. Royau has lately published a shorter History of France than Anquetil's, and which may vie with it in popularity. He appears to have the merit of impartiality.

As is the history of any country, so must be its historians. Petty facts can never furnish matter for bold delineation; and, where an entire nation is great, they who record its actions cannot escape the general contagion; they have greatness thrust upon them. Now, with the exceptions of a few particular instances and qualities, the history of the French nation does not partake in the character of moral greatness, which is profusely found in the records of Greek and Roman transactions. The French have chiefly excelled in war; and mere war, without internal policy, without political wisdom, may afford a brilliant, but not a pleasing, not an instructive page to those who study mankind in all its varied shapes. To their ability in the art of war, the French have joined considerable glory in literature, in the fine arts, and much ingenuity; but hardly any of those things which denote or constitute dignity of intellect, or energy of character, or vast and comprehensive capacities; in short, they are deficient in most of the features which the large pencil of history would paint as exalted. In vain would any Robertson, or Hume, or Gibbon, attempt to delineate the annals of France, as greatly as he would those of Britain. The portrait would be without features; and the whole image would be reduced to legs and arms.

A species of historical writing in which the French excel, is Memoirs. Anecdotic information—stories relating to individuals—are particularly suited to their minds; and even vanity is not misplaced in such light and flippant productions. The list of memoirs written by persons who were actors in most of the scenes they recount, is prodigious; and as the French possess great quickness of observation, and much liveliness, their personal narratives are more animated and interesting than those of any other nation; particularly to readers who are not shocked at embellishments. In this species of portrait-painting, the

French excel; but they cannot combine a vast historical group of actions, motives and events.

It is from a similar difficulty of combining grand effects, that the French have remained inferior to the English in fictitious history. Dr Blair is not of this opinion; for he finds himself forced to confess that they are our superiors. It would be difficult to say, upon what grounds the Professor founded this general decision; and even M. Chenier cannot coincide in it. To us it appears, that the romance and novel writing of the two countries bears the stamp of their respective characters; and that the French may be superior to us in sketching the manners of the elegant and trifling world, or the little flutterings of fancy, which they mistake for the heart; the intrigues of very depraved and very refined society, or the gallantry and heroism of chivalry. But in painting true and general nature—in delineating great features of mind, and strong emotions of the soul—they cannot be compared to us, because they have but an imperfect original of these things before their eyes. Possibly Dr Blair preferred the former style of representing men; and, though we are of a different way of thinking, we will not dispute his taste.

The oldest monuments of French literature are romances, and even metrical romances. The first of these was composed under the reign of Louis the Young, to which succeeded Tristan du Leonois, the romance of the Table Ronde, and the Twelve Peers of France. Italian and Spanish romances were known in the sixteenth century, in which magicians and fairies were the chief agents. Gerard de Nevers, and Petit Jean de Saintre, are among the most amusing productions of the reign of Charles VII.; and, in our own time, they have been written in modern language by Tressan. The Cent Nouvelles de la Cour de la Bourgogne, and the Hectameron of the Queen of Navarre, sister of Francis I., were happy imitations of Bocace. In the time of Anne of Austria, Spanish literature began to influence the literature of France; but this, again, was soon modified by the Fronde. Malherbe, Racan, Corneille, Balzac, Voiture, contributed to refine the manners, by improving the language of their country; and the Romances of Calprenede and Mademoiselle de Scuderi pourtrayed the mixture of gallantry, heroism, and *bel esprit*, then prevalent; but all their personages taken from antiquity, wore the modern French dress. The Roman Comique of Scarron exposed the follies of its day: and, though grotesque, it is still read. The Memoires de Grammont are eminently amusing; but the Princesse de Cleves, by Madame de la Fayette, was the best of all the novels that had yet appeared in France. The epocha during which the great

poets of France flourished, was little fertile in Romance; and it was at an era posterior to them, that Le Sage published Gil Blas; that the Abbé Prevost wrote his Cleveland, his Dean of Killereen, and, above all, his Manon Lescaut, and translated the works of Richardson. The Lettres Persannes, by Montesquieu, may be considered as fictitious history, and one of the most philosophic in existence. With more hilarity, and less strength, Voltaire, in his old age, produced Zadig, Micromegas, the Huron, Candide. At length the Nouvelle Heloise was published; a novel unrivalled in eloquence, though inferior to Clarissa and Grandison in characters. In the second line of merit stands Marivaux, with Mesdames de Tencin, de Graffigny, and Riccobini; Duclos, Crebillon, Marmontel; and, finally, two novels, which we do not hesitate to say are among the most infamous productions of wit, the Liaisons Dangereuses by Laclos, and Faublas by Louvet.

A novel, which some years since was much spoken of, was Atala, by the Vicomte de Chateaubriant. The subject, conduct, and language of it, are, to our apprehension, quite ludicrou and insane. The heroine on her deathbed, for instance, confesses to a priest, that often she has wished the Divinity were annihilated, provided that, locked in the arms of Chactas, she might roll from abyss to abyss with the ruins of God and of the world. Where could we find British prose so mad as this? Yet we have lately seen Monsieur de Chateaubriant called in print the greatest writer of his age.

The most prolific of the female novel writers of France, is Madame de Genlis. We wish we could say she was equally respectable and correct. Madame Cotin had the power of interesting to a great degree; and was particularly remarkable for true pathos. But the most meritorious of all was Madame de Staël, who, with greater defects, possessed talents of a higher order than any female author we could quote in France. But her's were the defects of genius. Pigault Le Brun is amusing, prolific; but frequently unfit for youthful ears. Numerous translations, too, principally from the English, may be reckoned among the additions to this branch of French literature. A person whom we must notice is Fievée, author of the Dot de Suzette, and Frederic. He is now turned political writer, and, as such, stands prominent. Another is the celebrated M. Benjamin Constant, who has found time, from his politics, to be the author of a poor novel called 'Adolphe.'

In the whole list of French novelists, we could not find any that can vie with Richardson, in the details which he gives of all his personages, and, so to say, the comprehensive minuteness with which he presents them to our intimate knowledge, in their

most familiar moments, and stamps upon them the strongest features of individuality:—with Fielding, for the true painting of his characters, whether by comic or pathetic touches, his humour, and his tenderness, as in Amelia; the variety and the probability of his incidents; the involution and the evolution of his plots, as in Tom Jones; and the interest we feel in the fate of those of whom we cannot quite approve, yet whose failings and whose virtues we recognise as forming a mixture eminently human:—with Smollet, for the coarse and peculiar spirit with which he represents the humours of his *dramatis personæ*, and the aptitude with which they are brought together:—in short, with any of our great novelists, in the true delineation of men, who, though fictitious, are represented in such vivid colours, and are so like their existing prototypes, that we almost credit their reality. It is not the single novel of Gil Blas which could suffice to found a national competition. The merit of this very delightful performance, notwithstanding some admirable touches of nature, does not so much consist in faithful portraiture, as in amusing incidents and situations, and in the lively simple mode in which the tale is related. As to Marivaux, there is always too much straining and subtilization in his writings; and he is without the easy flow of true talent. If we look to novels of an inferior order, those which boarding-school misses and sentimental lieutenants most admire, and in which they recognise their own first loves, the French come somewhat nearer to us; but such productions are even further removed from Grandison and Amelia, than Reynolds and Morton are from Ben Jonson and Congreve. In painting the passions of a drawing-room, the frettings of a boudoir, the anxieties of coquetry, the turmoils which persecute silk gowns and embroidered vests, as well as in the extravagance of Clelia and Cleopatra, we may yield to the French; but not in the delineation of nature, such as belongs to every heart not narrowed by drilling, and circumscribed by rule.

We will here bid adieu to M. Chenier. The first six chapters of his work are upon prose; the six which follow are upon poetry; consequently we may pause between the two; particularly as we shall soon have an opportunity, we believe, of returning to the latter subject.

The period which M. Chenier has undertaken to examine, comprises about twenty-five years, passed in revolution and in war. All that, under the old government of France, could be supposed to impede the progress of genius, had been removed; and a new era, replete with hope and promise, was unfolding itself to those who dared boldly to aspire. Every avenue was

open; and this age offered one facility more than that of Louis XIV. to those who would acquire fame, even crime was scarcely amenable to law or to opinion. It is true, that they who reached celebrity were quickly removed from the active scene, to make room for others; and devouring factions, soon to be devoured, destroyed each other, not yearly, not monthly, but weekly, for the amusement of the many-headed Garagantua, who applauded each successive fall, and panted for another. The germination of persons, worthy of such a glorious end, must then have been rapid beyond example; yet, among those whom our author, the contemporary, the colleague, the accomplice of their renown, has quoted, we were quite astonished to find so few whose memories, whether embalmed by their vices or their talents, are likely to be preserved to very distant years. In half a century, for instance, where shall we find the names of Andrieux, Anquetil, Arnault, Baour-Lormian, Barbe-Marbois, Barré, Bexon, Bitaube, Boisjolin, Boissy d'Anglas, Bonald, Bouilli, Bourguignon, Brugnières, Butet, Cambaceres, Castel, Chanlaire, Chenedollé, Clement, Cournand, Daunou, Delrieu, Desodoards, Domergue, Duc de Plaisance, Dupuis, Dupont de Nemour, Dureau de la Malle, Esmenard, Feuillet, Français de Nantes, Français de Neufchateau, Frenilly, Ganilh, Garat, Garnier, Gaston, Gerbier, Gudin, Guillard, Henry, Hofman, Jouÿ, Lalane, Larcher, Laromiguiere, Laujon, Laya, Lemare, Lemercier, two Leveques, Luce de Lanceval, Maine Biran, Marsollier, Merlin, Michaud, Millevoie, Monvel, Morel de Vindé, Morellet, Murville, Naigeau, Palissot, Pastoret, Perceval de Grandmaison, Perrault, Piis, Pons de Verdun, Portalis, Raux, Raynouard, Regnault de St Jean d'Angely, Renandés, Ribouté, Rivarol, Rœderer, Rayer, Say, two Segurs, Sieyes, Simeon, Soulavie, Suard, St Ange, Thouret, Thurot, Tissot, Trielhard, Trouchet, Victorin-Tabre,—and about as many more, which we suppress in pity to our readers? 'They had no poet, and they died!'—for we suspect even M. Chenier will not immortalize them; and we have little doubt that the very ablest of those Revolutionary worthies would find in this country, and at this moment, at the least ten persons of more ability than himself, yet whose names are absolutely unknown.

We confess ourselves to belong to the sect which maintains, that the quantity of improveable genius in the world is much more equal, in all nations, and at all periods, than it appears to be from the contemplation of different countries and epochas; and that it is the wants, the passions, the demands of society, which call it variously into action. Whenever a greater number of poets fills the scene, it is more because the world is ripe

and eager for poetry, than because the *genus irritabile* has been particularly parturient. In the same manner, when occasion calls for statesmen, statesmen arise; when the blast of war blows in our ears, warriors flock to camps and armies; when philosophy comes into request, philosophers start into notice. Some strong exceptions to this rule may seem to discredit it; and we grant that, in whatever condition of things they had come into the world, Homer would have been the poet of heroes, and Shakespeare of men. But it is not the less true, that the spirit of the times may always be known, from the bent which genius takes in them. Genius, to use a very drudging illustration of our meaning, is the raw material, which afterwards takes its fashion from the taste of the market; and it must wholly depend upon the fancy of the consumer, whether it is to be compressed into stout warm covering against inclemencies, or twisted into the fine spun threads of open laces and embroidery. Now, nothing better than M. Chenier's Tableau, can do us the service of informing us fairly, and without party prejudice, but on the broad principles of human nature, what has been the predominant spirit of France since the year 1789. If liberty was the ruling passion, then the appendages to liberty must have flourished; if conquest, then the arts of war must have superseded all others; if despotism, then all the implements and artifices and force which despotism employs to forge its chains, must have been the study of the rulers.

The most remarkable branch of intellectual improvement, at the commencement of the Revolution, was Eloquence. The sudden expansion which senatorial oratory, new in France, acquired at that moment, might have been a prognostic of rising liberty, had it been of a more sober complexion. But it consisted all in passion, in fury against past subjection, or in no less virulent answers to angry attacks. It was admirably proper to excite the populace to frenzy; to arm them for destruction; to make them even forget that, when all was demolished, something must be reconstructed. Not only the walls of the ancient city fell before its blast; their very elements were crushed to atoms, so that only dust remained; and, of this, every tempest bore away its part. Barnave, and all the orators of that party, but particularly Mirabeau, who was roused by seventeen *lettres de cachets* directed against him, and most of which his stormy soul had richly earned, if any thing could earn them,—were the enthusiasts of visionary freedom, which neither they could systematize for their countrymen, nor their countrymen receive from them. In the factions which succeeded, and when the rage which had inspired the first Constituents had accomplished all

its purposes, public speaking declined. Under Robespierre, under Bonaparte, silence was safety, and remonstrance death. After a lapse of five-and-twenty years, and since it has been decreed that to speak should be no longer dangerous, there has been no revival of any thing like oratory. It would, indeed, be difficult to devise a mode of debating, if so it can be called, more directly in opposition to eloquence of every kind, than that which the French Chambers have adopted, the alternate reading of essays for and against each question, from a pulpit; yet, considering their past experience, we are convinced that they have shown their wisdom in that precautionary regulation.

To the Moral and Intellectual Sciences, those which, by studying man in all his forms, particularly lead to sound policy, good government, and liberty, we have seen how little attention has been paid, and how little progress has been made in them, as well as in the political sciences themselves. On a former occasion, we showed the deceitful use to which the physical and mathematical sciences, as well as the fine arts, have been sometimes applied, and that none ever prostituted them to the debasing ends of despotism, so insidiously and so triumphantly as Bonaparte. Yet, even in the physical and mathematical sciences, the epocha which followed the Revolution cannot be compared with that which immediately preceded it, either for the learned men, or for the discoveries which it produced. The majority of persons who were celebrated in chemistry, in mathematics, during the Revolution, nay, many of those who are renowned even at this moment, had made themselves conspicuous before the Bastille had fallen; and their labours had promised them their full share of immortality, before the Assembly of Notables had met. Let us look into the list of the Institute as it stands at this moment, 1820, after thirty murderous years have been thinning its ranks of many ancient academicians, once the boast of France, and examine what is the proportion of members who were distinguished before the Revolution, compared with those whom the Revolution has educated, and who can stand in any thing like a similar rank of literary or scientific consideration. To this list let us add the men who have died within the last thirty years, and who, conspicuous before the Revolution, continued still to honour it with their talents; and, as a balance to the scientific glory of that period, let us deduct the names of those whom it has, in some shape or other, disastrously, disgracefully, and criminally swept away—Condorcet, Lavoisier, Malesherbes, &c.—and we shall find that the men whom Europe has been admiring were the pupils of other times; and that those times of admiration are far from having produc-

ed their mite of persons eminent in science or in letters. To particularize individuals would be an invidious task; but we have examined those lists with care; and to about thirty-six members of the Institute, celebrated before the Revolution, the last thirty-two years have not added more than about a dozen who are worthy to be their successors.

To whatever side we turn our view, even to the fine arts, we shall find evidence of the same assertion; and that the only science or art which made a real progress, and absorbed the attention of the entire nation, is War, with all its implements. In no department or occupation have so many persons won celebrity, as in the trade of arms; and in none has the nation been half so successful. Indeed the proportion which this bears to all others is so vast, that one cannot help pronouncing, the very instant it occurs to the mind, that war—licentious, not necessary war—war, not for defence, but conquest—has been the ruling spirit of the French nation for the last thirty years. Defence could never have required such armies, such arsenals; but unlimited conquest needs unlimited means.

With what satisfaction, with what gratitude to the Supreme Disposer of human empires, must not every Briton look back to the same era in his own country, and think upon the progress which mind has made there, in all its departments, during the same period! And now let party spirit—let despondency—let all the causes which have so often prevented, and which still prevent the British nation from doing justice to herself, and have constantly injured her in the estimation of foreigners, be forgotten, while we enumerate some of the establishments, discoveries, philosophers, poets, statesmen, orators—some of the things which have raised our island to the summit, not of fame merely, but of worth—which have conferred upon the empire a dignity that, great as it was, it never knew before, and held up to the world a beacon of civilization, which, honoured by the praise of the great, and the envy of the impotent, long will be the aim and limit of aspiring nations. It is not our intention, neither is it in our power, to do justice to every individual, and to every discovery or establishment; and should involuntary omissions occur, we trust the injured will excuse us, as our object is to present to our readers, in one view, and merely as a sketch, without respect of persons, the mass of British intellect, which may be considered as contemporary with that which M. Chenier has celebrated in the work before us.

We shall begin with that branch in which the French appear to have been the most successful—War. By sea and land, then, we have had—Abercromby, Anglesea, Achmuty,

Baird, Beresford, Bridport, Brisbane, Collingwood, Congreve, Cornwallis, Duckworth, Duncan, Exmouth, Hill, Hood, Hoste, Howe, Hutcheson, Lake, Lynedock, Moore, Murray, Nelson, Pack, Packenham, Picton, Rodney, Saumarez, Schrapnell, Sidney Smith, Strachan, St Vincent, Wellington, Wilson, Wood.—As orators in the senate, bar, and pulpit—Alison, Blair, Brougham, Hussey Burgh, Canning, Chalmers, Courtenay, Curran, Dundas, Ellenborough, Erskine, Flood, Fox, Grattan, Grenville, Horne, Horner, Horseley, Hurd, Jones (of Nayland), Kenyon, Mansfield, M'Intosh, Milner, Paley, Peel, Pitt, Plunket, Porteus, Romilly, Scott, Sheridan, Thurlow, Tomline, Venn, Watson, Wellesley, Whitbread, Wilberforce, Windham.—In history, philosophy, politics, belles-lettres, we have had—Adolphus, Alison, Belsham, Bentham, Blair, Bowdler, Brown, Burney, Colquhoun, Cox, Currie, B. Edwards, Ferguson, Gibbon, Gillies, Gilpin, Hallam, Howard (the philanthropist), Jones, Knight, Malthus, Mill, Millar, Miller, Mitford, Paley, Parr, Porson, Price, Reid, Rannell, Robertson, Roscoe, Smith, D. Stewart, Horne-Tooke, Wilkins.—In science—Allan, Allen, Arnold, Arkwright, Baillie, Bancroft, Banks, Beddoes, Black, Blagden, Brande, Brewster, Brinkley, Brown, Cavendish, Cruikshanks, Cullen, Dalton, Darwin, Davy, Earnshaw, Mrs Fulhame, Gregory, Hall, Hatchett, Henry, Home, Hope, Howard, Hunter, Hutton, Jameson, Kirwan, Kennedy, Leslie, Macartney, M'Culloch, Maskeline, Murray, Nicholson, Nimmo, Pepys, Playfair, Priestley, Ramsden, Rennel, Rennie, Robison, Rumford, Rutherford, Shaw, Smeaton, Smith, Tennant, Thompson, Thornton, Telford, Troughton, Watt, Willis, Wollaston, Young, A. Young.—Artists—Bacon, Beechy, Bird, Bone, Chantry, Copley, Flaxman, Gainsborough, Harlowe, Heaphy, Heath, Hopner, Lawrence, Linwood, Lowrie, Nollekens, Northcote, Rayburn, Reynolds, West, Wilkie.—Poets—Beattie, Byron, Bowles, Boyd, Campbell, Carey (translator of Danté), Coleridge, Colman, Cornwall, Cowper, Crabbe, Darwin, Hookham, Frere, Gifford, Haley, Heber, Herbert, Hunt, Keats, Lloyd, Mathias, Millman, Montgomery, Moore, Philips, Rogers, Scott, Smith, Sotheby, Southey, Wolcot, Kirke-White, Wilson, Wordsworth.—Dramatists—Burgoine, two Colmans, Cumberland, Holcroft, Home, Kelly, Murphy, Sheridan. The French have on their list many persons of inferior talents to Okeefe, Reynolds, Morton, &c. —Poets wholly untaught by any master, except nature, a thing unknown in France, and which we shall take a future opportunity of discussing—Bloomfield, Burns, Chatterton, Clare, Dermody, Hogg, Anne Yearsley.—Novel writers—Barret, Cumberland, Godwin, Holcroft, Lewis, and, in himself a host such as

France could not collect from all her past and present stores, Sir Walter Scott.—Travellers—Anderson, Barrow, Bruce, Clarke, Dodwell, Hanway, Holland, Kirkpatric, Leake, Legh, Malcolm, M'Kenzie, Morier, Neale, Parke, Ritchie, Swinburne, Weld.—Female writers, a rich theme, to which we propose returning at some future period—Aikin, Austin, Baillie, Barbauld, Bowdler, Brooke, Brunton, Burney, Campbell, Carter, Edgeworth, Grant, Hamilton, Hawkins, Holford, Jackson, Inchbald, Lea, M'Cawley, Marcet, Montague, More, Opie, Owenson, Piozzi, Porter, Plumtree, Radcliffe, Roche, Seward, Sheridan, Charlotte Smith, Elizabeth Smith, Taylor, Tighe, Trimmer, West, Wolstoncroft.

To our religious and moral establishments existing before this period, we have added—The Naval and Military Bible Society, 1780; British Society for the Encouragement of Servants, 1792; Society for the Conversion of Negro Slaves, 1795; Missionary Society for Propagating the Gospel in Heathen and Unenlightened Countries, 1795; Religious Tract Society, 1799; Society for the Suppression of Vice, 1802; British and Foreign Bible Society, 1804, of which 500 Auxiliary and Branch Societies have been formed; Society for the Publication of Select Religious Tracts, 1804; London Society for Promoting Christianity among the Jews, 1809; Society for the Improvement of Prison Discipline, and the Reformation of Juvenile Offenders, 1819; Church Missionary Society for Promoting the Building of Churches and Chapels; The Endeavour Society, for Promoting the Principles of the Established Church, by forming a Library of Orthodox Divinity, the Distribution of Books, and the occasional Relief of Indigence. To our charitable and benevolent establishments, our hospitals, infirmaries &c. before existing, we have added—The Finsbury Dispensary, 1780; Eastern Dispensary, 1782; Public Dispensary, 1782; Mary-le-bone Dispensary, 1785; Central Dispensary, 1786; City Dispensary, 1788; Society for the Relief of Widows and Orphans of Medical Men in London, 1788; Free Masons' Charity, 1788; Western Dispensary, 1789; Literary Fund, 1790; Naval Charitable Society, 1791; London Maritime Institution for Decayed Master Mariners and their Families, 1791; Universal Medical Institution, 1792; Asylum for the Deaf and Dumb, 1792; Electrical Dispensary, 1793; Sea-Bathing Infirmary at Margate, 1794; The Endeavour and Benevolent Lying-in Society, for attending Poor Women at their own Habitations, with the Loan of Childbed Linen, Medicines, &c., as also for the Vaccination of the Children, and the Cure of their Diseases until seven years of age, 1794; Society for Bettering the Condition of the Poor, 1796; Commercial Travellers Society, 1800; Institution for the Cure

and Prevention of Contagious Fevers, 1801; New Lying-in Charity, for the Wives of Foot-Guards, 1801; Society of British Banking and Commercial Clerks for the Relief of Old Age, Widowhood, &c., 1802; Friendly Female Society for Relieving Poor and Distressed Women who have seen better days, under the Management of Ladies, 1802; Patriotic Fund, 1803; Mile-end Philanthropic Society, for the Discharge of Persons Imprisoned for Small Debts, 1803; Royal Infirmary for Diseases of the Eye, 1804; London Infirmary for Ditto, 1805; Society of Friends of Foreigners in Distress, 1807; Charitable Fund for Relieving the Sick Poor, at their own Habitations, with Medicine and Pecuniary Aid, 1808; London Female Penitentiary, 1808; Infirmary for Diseases of the Lungs, 1810; Northern Dispensary, 1816; Clerkenwell General Philanthropic Society, 1813; The Highland Society, instituted in 1770, incorporated in 1816; Westminster Infirmary, 1816; Infirmary for Diseases of the Spine, 1816; Universal Dispensary, 1816; Royal Dispensary for Diseases of the Ear, 1816; Society for the Benefit of Widows of Officers of the Medical Department of the Army, 1816; West London Infirmary and Lying-in Hospital, 1817; African and Asiatic Society, for the Relief and Instruction of the Natives of Africa and Asia resident in England; Surrey Dispensary; Bloomsbury Dispensary; Original Vaccine Institution; National Vaccine Institution; London Vaccine Institution; The Benevolent Institution for Delivering Poor Married Women at their own Habitations; Central Lying-in Charity; Benevolent Society of St Patrick; Society of Schoolmasters; Choral Fund; Artist's General Benevolent Institution; Morden College, Blackheath, for Decayed Merchants; Refuge for the Destitute; Society for Improving the Condition of Chimney-sweepers. Astonishing as this list may appear, we must observe, that the greatest and most valuable part of our Existing Medical Charities, had been established previously to the year 1780. The following are among our hospitals—Bayswater Lying-in Hospital; City of London Hospital; Queen's Hospital; Bethlem Hospital; Christ's Hospital; Foundling Hospital; Greenwich Hospital; Chelsea Hospital; Jews' Hospital; Magdalen Hospital; St Bartholomew's Hospital; St Luke's Hospital; St Thomas's Hospital; Scotch Hospital; British Hospital; General Hospital; Westminster Hospital; Emanuel Hospital; French Protestant Hospital; Guy's Hospital; London Hospital; Middlesex Hospital; St George's Hospital; St Mary-le-bone Hospital; Small-pox Hospital.

We must also mention, alimentary provision to the King and Royal Family of France, to the French Clergy, Nobility and Royalists of every description, continued until their return to

France, and amounting to nearly six millions Sterling, in about twenty years, beside establishments for educating their children, dispensaries &c. In addition to this, we annex an abstract of such of the incidental public charities as we recollect in London only, and during the year 1819 only.

	L.	*s.*	*d.*
British and Foreign Bible Society -	93,336	6	0
Church Missionary Society - -	30,076	0	0
London Missionary Society - -	25,409	0	0
Society for the Conversion of the Jews -	8,955	12	0
Prayer-book and Homily Society -	1,987	14	0
Hibernian Society - - -	4,683	0	0
Naval and Military Bible Society -	2,162	0	0
Society for Promoting Christian Knowledge	33,700	0	0
Methodist Missionary Society - -	2,400	0	0
Moravian Missions - - -	5,000	0	0
Baptist Missions - - -	16,000	0	0
Society for Propagating the Gospel -	13,800	0	0
National Society for Education - -	2,500	0	0
Religious Tract Society - -	6,180	0	0
Collection on the King's Letter for the Society for the Propagation of the Gospel -	50,000	0	0

—Sum total, three hundred and seventeen thousand four hundred and eighty-one pounds.

The additions to our establishments for education have been —Society for the Support of Sunday Schools throughout the British dominions, 1785; Philological Society for the Education of the Sons of Clergymen, Naval and Military Officers, Professional Men, Merchants, Manufacturers, Clerks in Public Offices, the higher Order of Tradesmen, and other gentlemen who, from misfortunes or limited incomes, cannot afford a liberal education to their children, 1792; Westminster New Charity School, for Clothing and Educating Fifty Male and Fifty Female Children, 1796; School for the Indigent Blind, 1799; Royal Military College, Berks, 1799; Hibernian Society for Promoting Schools in Ireland, 1800; East India College, Hertford, 1805; City of London School of Instruction and Industry, 1806; African Institution, 1807; National Society for the Education of the Poor, 1811; The Corporation of the Caledonian Asylum, for Supporting and Educating the Children of Indigent Scotch Parents residing in London, 1815; The Adult Orphan Society, 1819; Dr Bray's Institution for Parochial and Lending Libraries; British and Foreign School Society; Welch Charity School; Philanthropic Society; The Insolvent Debtor's Friend, for Educating the Children of Insol-

vent debtors.—Our establishments and discoveries relating to letters, science, arts, manufactures, during this time, have been —British Society for Extending the Fisheries and Improving the Seacoasts, 1786; Linnæan Society, 1788; Royal Society of Musicians, 1790; Board of Agriculture, 1793; Royal College of Surgeons, 1800; Royal Institution, 1800; Committee for the Inspection of National Monuments, 1802; Society for Painters in Oil Colours, 1804; Medical and Chirurgical Society, 1805; British Institution for Promoting the Fine Arts, 1805; London Institution, 1805; Surrey Institution, 1808; Russel Institution, 1808; Philosophical Society of London, 1810; Geological Society, 1813.—Vaccination, if not discovered, at least applied to relieve the human species from one of the most dreadful diseases to which it is exposed.—Various improvements in education, to an immense extent, according to the methods devised by Bell, Lancaster, and others, and which have been introduced from this country into almost every nation of the globe.—Improvements in the steam-engine, and its infinite applications to the highest uses, as well as to promote the hourly convenience of every class of society, and most especially of the poor. By means of this instrument, one of the most powerful which human ingenuity has yet put into the hands of man, which is of British conception, growth and completion, its immortal author has new-modelled the industry, not merely of his own country, but given the means of unexpected comforts to the whole civilized species, and a new impulse to the human mind.—Application of burning gas to public and domestic purposes, on the most extensive scale; Welch china, the clay of which is inferior to none in whiteness; Ironstone china, in imitation of Indian, and which can with difficulty be broken; Lifeboat; Life-preserver; Congreve Rockets; Shrapnell Shot; Improvements in Boring Cannon; Improvements in Manufacturing Gunpowder; Wernerian Society; Horticultural Society; Bible Societies; Missionary Societies; Society of Engravers; Westminster Library; Panoramas; Camera Lucida by Dr Wollaston; Discovery of three New Metals in the Ore of Platina, by Dr Wollaston and Mr Tenant.—By means of the galvanic battery, greatly improved and modified in England, Sir Humphry Davy operated the decomposition of at least twenty substances, earths, alkalis, acids, &c. before thought simple; and, by introducing a great number of new agencies into the chemical science, subverted a large portion of the theory unjustly attributed to Lavoisier. The Atomic Theory of Chemical Combination fully demonstrated by experiment and calculation.—The improvements made by Sir William Herschell in

Optics, and his subsequent discoveries in Astronomy; a new planet, the Georgium Sidus, with its satellites; a long list of new stars, nebulæ, double and triple stars, changing stars, motion in the stars hitherto supposed fixed; translation of our solar system, through infinite space, towards a spot in the heavens occupied by the constellation Hercules, as confirmed by forty-four observations out of fifty-six; his discoveries upon light and heat, &c.

Such is a part, and indeed it could hardly be expected we should give more than a part, of the advantages which the British empire has been adding to its former stock since the year 1780. We shall not discuss their merits, lest we should be induced to expatiate too largely. We must, however, observe, *1st*, That we have confined ourselves principally to the metropolis, in our enumeration of charitable, religious, moral, and intellectual establishments. But the metropolis contains about one-eighteenth of the entire population of the British islands. Hence we shall be within bounds when we say, that such establishments there do not form one-sixth of all those which are diffused over these islands, not reckoning those which we have spread over our most distant possessions; for London, though bearing a greater ratio of population to England than Paris does to France, is far from bearing the same overweening ascendancy in every other respect. *2d*, That as great a portion of our benevolence is addressed to foreigners and to foreign nations, as to our own subjects; and this without the hope of profit or return. *3d*, That it has rarely fallen to the lot of a nation to make so large an addition to so large a previous stock of good, in so short a time, and under such circumstances. *4th*, That this vast development of national bounty and intellect, so honourable to the British heart and head and hand, has taken place while we were engaged in the most expensive war that ever has been waged; while we were struggling to protect European civilization from the military despotism of France, and to deliver France herself from that same despotism, of which she did not feel the disgrace or the disaster until it was harassed and disabled by defeat. *5th*, That if we have undergone some sufferings, and been afflicted with some calamities; if a precious portion of our countrymen has been reduced to want, or goaded on to intemperance and insubordination, we have minds to bear with dignity our own distresses, and hearts to relieve those of others, and virtues to oppose the wild spirit of disorganization; that, with all our real ills, and all our fancied grievances, we have yet less to deplore from the effects of foreign levy or domestic strife, than any of the nations which were drawn along with us into the same

vortex of contention; that, issuing from the severest trial to which a nation could be put, we have not only preserved our wonted energy, and good faith and wisdom, but that the struggle has added new matter to our moral resources; and that, while we pay the debt of suffering which human creatures owe, our debt of gratitude is still more vast and sacred, when we reflect, that now, more perhaps than ever, our country is the first among nations. How long it may remain so, is in the hands of inscrutable Providence; but the day on which it ceases to guide the public opinion of Europe, will be a day of bitterness for the whole human species, and most of all for the nations which most desire our ruin. Happy, if we ourselves never shrink from the high post of duty which this preeminence imposes upon us, or permit the sordid calculations of Despots to prevail over the generous maxims of British Liberty!

ART. XI. 1. *A Series of Letters to a Man of Property, on the Sale, Purchase, Lease, Settlement, and Devise of Estates.* By EDWARD BURTENSHAW SUGDEN, Esq. of Lincoln's-Inn, Barrister-at-law. Second Edition. London, 1809.

2. *Papers relative to Codification.* Published by JEREMY BENTHAM. London, 1817.

WHEN the public mind is occupied by questions of great political importance, and whilst the discussions relating to the criminal laws, and the education of the poor, are yet unsettled, it is perhaps not politic to introduce a question respecting the enactment of new laws; and one, at the same time, which is so entirely stripped of all moral and political interest, that it is not probable the discussion of it will call forth supporters such as Sir Samuel Romilly, Mr Brougham, or Sir James Mackintosh.

There exists indeed, we are well aware, an universal disinclination to the discussion of any subject purely legal; and whilst, on the one hand, all are willing to inquire and decide whether forgery shall or shall not be punished with death, few will attend to the merits of a question on a general registry of title-deeds, or on the alteration in the modes of transferring property: and yet, there is scarcely any person who has not experienced, in his own case, or in that of some of his connexions, considerable inconvenience from the present state of the law on these subjects. In fact, the uncertainty, the intricacy, and the variety of technical expressions, the formalities to be

pursued, and the long chain of evidence to be procured, render the disposal of real property a matter of so much difficulty, that many are deterred from bringing it to market.

We conceive that we have only to state a few plain facts, in order to convince our readers that much may be done towards simplifying this part of the law; and that the necessary alterations may be made with safety.

We are aware that, on a subject like the present, it is not possible to create much general interest, until the importance of what we have to offer is felt; yet whilst we are robbed of the assistance to be derived from the interest of the subject, we have no moral scale of punishment to discuss; nor is there any necessity for disputing on nice points of spiritual dynamics, or mental pathology. All are alike interested in reducing the laws of property to a fixed standard; this is their proposed and admitted aim; and the only question is, how to attain it by the shortest road. In what we have to offer, we pledge ourselves to be intelligible to all who are willing to bestow common attention to the subject.

Independently of all particular objections, in this country there are several classes generally opposed to all alterations in laws, whether relative to the liberty of the subject, or merely to the regulation of property. They are influenced by different, and often opposite causes; some by political feelings, others by prejudices of education, and attachment to what they have been accustomed to see; and others again by a conviction, the result of reflection, that all changes in a system so complicated as that of the English Laws, are more likely to be productive of evil than good.

According to the opinion of some, the human mind is now acting under peculiar and powerful impulses; and men are supposed to be guilty of straining every nerve for the improvement of their condition, and that in a degree of which no former age can furnish an example; and this impulse, they think, requires a powerful check. We, however, conceive it to be one of the most cheering views that can be taken of the present state of society; and, instead of reviling mankind for their impetuosity, we cannot but rejoice at the energy put forth, so long indeed as the symptoms do not exceed all moderation.

It is also objected, that the public mind is now acquiring a confidence in its own judgment, and losing the deference formerly paid to custom and authority. This we admit; nor would we wish it otherwise. The experience of past ages shows, that the community have not reaped much benefit from reposing unlimited confidence in their rulers; nor have those rulers, in all

cases, shown themselves very honest depositaries of rights and liberties surrendered into their hands, and often permitted to remain there with a forbearance and meekness which we presume will not again exist.

The spirit of universal inquisition, it is said, is abroad; and is represented, by those who dread its effects the most, as one of the striking characteristics of the present day. We are at least glad to find, that those who long endeavoured to suppress this spirit altogether, are now content with attempts to reduce it within what they term reasonable limits.

Although the simplifying of laws is one of the many ways by which the happiness of mankind may be promoted, and one the least likely to clash with personal interests, yet we despair of gaining over many of our opponents of the above classes. We are prepared to hear our suggestions, however cautious, represented as the results of a wild and distempered imagination, as attempts to subvert the present order of things, and as parts of a general system which is to introduce anarchy and confusion into the country.

With respect to the prejudice unconnected with party spirit, which arises from a persuasion of the general inexpediency of alteration, we shall frequently find it mixed up with vanity or self interest.

It is well observed by the late Mr Playfair, that, 'even in 'matters purely intellectual, the prejudices and the selfishness, 'or the vanity of those who pursue them, not unfrequently 'combine to resist improvements, and often engage no incon-'siderable degree of talent in drawing back, instead of pushing 'forward, the machine of science. The introduction of me-'thods entirely new, must often change the relative place of the 'men engaged in scientific pursuits; and must oblige many, 'after descending from the stations they formerly occupied, to 'take a lower rank in the scale of intellectual advancement. 'The enmity of such men, if they be not animated by a spirit 'of real candour, and the love of truth, is likely to be directed 'against methods by which their vanity is mortified, and their 'importance lessened.' * So numerous, indeed, and so power-

* In corroboration of this observation of Mr Playfair, we add an extract from Sir James Mackintosh's eloquent and learned Discourse on the Study of the Law of Nature and Nations. 'Those who 'early attain eminence, repose in their first creed. They neglect 'the progress of the human mind subsequent to its adoption; and 'when it has burst forth, they regard it as a transient madness, wor-'thy only of pity or derision. They mistake it for the mountain

ful are the causes which serve to give a bias to the judgments of men, that we often see wise and good men on the wrong, as well as on the right side of questions of the first importance to society.

In tracing the progress of jurisprudence in different countries, it will be found, that, in particular, lawyers are those who bestow the most blind and partial reverence on their municipal institutions. Even Cicero was infected with this feeling. Speaking of the Twelve Tables, he says, 'They inculcate the 'soundest principles of government and morals; and I am not 'afraid to affirm, that the brief composition of the Decemvirs 'surpasses in general value the libraries of Grecian philosophy.'

To guard against the objections of considerate but unprejudiced persons, we would here observe, that there are two methods of altering laws; one by removal of the subsisting law, and substituting a new and independent enactment in its place; the other, by a modification of the old law, or engrafting some regulation or provision upon it. The *general* objections to alterations of laws, so far as they are sound or important, we apprehend will be found to apply to *alterations* of the first class; and it will be seen, that the alterations we are about to propose fall altogether under the second. And we have found it necessary to point out this distinction, in consequence of what has occurred to us in considering the plans of others.

In proposing any mode of change in so complicated a system as that of the present laws of property, we should, of course, have hesitated to bring forward our own views, until we had attentively considered the means proposed by others for obtaining the same end. Mr Bentham, whose indefatigable labours, for nearly fifty years, have been directed to the study of the science of legislation, in the year 1811 addressed a letter to Mr Maddison, containing an offer to the United States, to frame 'a complete body of statute laws;' or, as he terms it, 'a *Pan-* 'nomion.'

We have already expressed ourselves fully on the merits and the defects of Mr Bentham's performance, (vol. xxvii. 217.) Our observations, however, as far as they relate to the benefits to be derived from his suggestions, must be considered as mainly relating to the reformation of the Criminal code; which,

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'torrent, that will pass away with the storm which gave it birth.
'They know not that it is the stream of human opinion, *in omne vo-*
'*lubilis ævum*, which the accession of every day will swell, and which
'is destined to sweep into the same oblivion the resistance of learned
'sophistry, and of powerful oppression.'

from its nature and its requisites, is far more susceptible of new modelling than the numerous and various laws constituting a Civil code. It may be considered as one of the most important works Mr Bentham has published; because he himself announces it as furnishing the practical result of the studies which have so long occupied his mind. The plan suggested is of a *Code*, the *imperative* or *regulative* matter of which is to be accompanied by *reasons*, in the shape of a *perpetual commentary*: so as no point will be settled, but that the considerations, by which the provision made in relation to it was determined, will be to be found.

With respect to the *form*, Mr Bentham conceives, by one word, '*Cognoscibility*, every sort of excellence which, under '*this* head, can be given to a body of laws, will be found ex-'pressible;' which he interprets to mean, that 'it should be *pre-'sent* to the mind of him, on whose part, to the effect indicat-'ed, *action* or *forbearance* is, on each occasion, called for.' The whole is to be divided into a *General Code, and a System of Particular Codes*;—the General Code to comprize all matters of which it concerns *persons in general* to be apprized;—each Particular Code is to contain such matters only, with which some one class or denomination of persons have concern. In each code, as well *particular* as *general*, an ulterior distinction, noted and acted upon, is the distinction between matter of *constant* concernment, and matter of *occasional* concernment. Another division is made between *Main-text* and *Expository* matter.

'The *Expository* matter is to consist of explanations given of the 'occasion of this or that particular word in the *Main-text*. And the 'same explanation is to serve for the same word, whenever it occurs 'in the *Pannomion;* care having been taken to apply the explanation 'to every such passage, to the end that it may be found conformable 'to the sense intended in each such passage to be conveyed.'—'From 'beginning to end, one object is kept in view and aimed at, that the 'whole field of legislation being surveyed—surveyed and travelled 'through over and over again in all directions—no case that can pre-'sent itself shall find itself unnoticed or unprovided for. Of this ob-'ject, the complete attainment may, perhaps, be too much for human 'weakness: but by every approach made towards it, the science is 'advanced; and in all shapes, the security of the people against 'suffering—sudden and unlooked for suffering—is increased.'

But we now come to what relates to our immediate purpose. All formularies of deeds and agreements, says Mr Bentham, should be written on a particular paper, to be called *promulgation paper*, 'provided with a *margin* of letter-press, in and by 'which, in the instance of each such species of instrument, in-

'timation is given of the whole text of the law, relative to the 'species of transaction therein in question: intimation, viz. ac- 'cording to the quantity of room occupied by it, given, either '*in terminis*, or in the way of *abstract*, with indication of, and 'with reference to, any such portion as is found to occupy too 'much room to be given *in terminis*.

We must assume it is the opinion of Mr Bentham, with his previous knowledge, and coming so prepared for the consideration of the subject, that it is possible to carry such a scheme as the above into effect, with the fair expectation of a beneficial result. We venture however, notwithstanding, to express our decided conviction that, in the present state of the human mind, and of morals in Europe, and considering the inherent and incurable imperfection of language, no such change with regard to the laws of property would be productive of a beneficial result. To prove this, it seems sufficient to consider the discussions which are always found to take place in the expounding of enactments, which, at their creation, were apparently the most simple and intelligible. When it is remembered that new cases are daily arising on the meaning of technical legal expressions which have been in use for ages; and when, to mention a single instance, the infinite variety of circumstances incidental to human actions makes it frequently a matter of question to ascertain, in a particular case, the intention of a statute framed as far back as the reign of Charles the Second, and requiring a man's will of land to be signed by him in the presence of three witnesses, who are to attest it in the presence of each other, how can it be conceived that any human ingenuity can give a definite and inflexible meaning to a whole body of technical expressions, which shall apply to every possible case and combination of circumstances? And must it not be felt, that the attempt must not only be attended with endless labour, but must enlarge the field for those quibbling constructions and artificial doubts which the plan proposes to guard against? * With respect to the promulgation paper, on which the laws and definitions relating to'

* The observation made by Quintilian on Divisions, seems very applicable to this point.—'Nam est certus ejus modus, et evitanda maximè concisa nimium et velut articulosa partitio. Nam et auctoritati plurimum detrahunt minuta illa, non membra sed frustra: et hujus gloriæ cupidi, quo subtiliùs, et copiosiùs divisisse videantur, et supervacua assumunt, et quæ natura singularia sunt, secant: nec tam plura faciunt, quàm minora: deinde cum fecerunt mille particulas, in eandem incidunt obscuritatem contra quam partitio inventa est.' —*Lib.* 4. *c.* v.

contracts are to be printed, to the end that the parties making them should have full *cognoscibility* of their effect, it is obvious, that, before any semblance of the execution of this scheme could be carried into effect, the species of contracts must be accurately defined and classed; which, however, are infinitely various, and subject to perpetual change:

——'Neque enim numero comprendere refert;
Quem qui scire velit, Lybici velit æquoris idem
Discere, quam multæ Zephyro turbentur arenæ.'

If we had not known that Mr Bentham had applied himself to the study of the *English* law, we should have been tempted to believe him entirely ignorant of the nature of the reports of adjudged cases, which form so principal a branch of it: But not so; he is fully aware of them, and gives them their due praise. 'Traverse,' he observes, 'the whole Continent of Europe; ransack all the libraries belonging to the jurisprudential system of the various political states; add the contents all together, and you would not be able to compose a collection of cases equal in variety, in amplitude, in clearness of statement, in a word, in all points taken together, in instructiveness—to that which may be seen to be afforded by the collection of *English Reports of Adjudged Cases*, on adding to them the *Abridgments* and *Treatises*, by which a sort of order, such as it is, has been given to their contents.'

But for Mr Bentham's book, we should have considered it impossible for any one endowed with common capacity, to have studied this collection, and afterwards to have formed such a plan for the improvement of the laws as Mr Bentham's. We do not, however, wish to speak dogmatically upon a subject of such importance, one which is connected with the welfare and convenience of society; but we assert, that no such change in the laws of property as that contemplated by Mr Bentham, can be carried into execution in this country, or in any other, except it be by tyranny and force.

Mr Maddison's answer to the letter of Mr Bentham plainly shows that he was well aware of the real objections to the system. 'I may add' (he says), 'that with the best plan for 'converting the common law into a written law, the evil cannot 'be more than partially cured; the complex technical terms 'to be employed in the text necessarily requiring a resort for 'definition and explanation to the volumes containing that de-'scription of law.'

Since the publication of Mr Bentham's first work on the Science of Legislation, two authoritative codes have been given to the world, the Code Napoleon (*a Pannomion*), and the *Penal Code*, published by the authority of the King of Bavaria: the constructors of both of which have made honourable mention of the

labours of Mr Bentham. These codes, however, appear to make but little approach to the *cognoscibility* and *notoriety* which form such important features in Mr Bentham's plan. It is impossible not to regard the *Code Napoleon* as a work of prodigious labour and genius. It was composed, and every part weighed and considered, by the wisest and the most enlightened men that France possessed; and in its formation, from the *projet* first published, prejudice appears to have been laid aside, and the interest and general happiness of society only considered. We would venture to appeal to the discussions relating to the formation of this code, * to prove the difficulties and the doubts which must for ever arise in the construction of abstract rules, and the applying them to cases and combinations which the most penetrating genius could not foresee. But with all our respect for that code, we could not appeal to it for a proof that such difficulties can be overcome.

Human laws, it has been remarked, are the growth of time and nature, rather than the work of human invention; and can only be advantageously altered by imitation of the great innovator, Time, who, as Lord Bacon observes, '*innovateth great-*' *ly, but quietly, and by degrees scarce to be perceived.*' With regard to our own laws, they have been framed at various times, and under different feelings and views. The principle of utility, by which the greatest general advantage might be procured, has in fact rarely been the groundwork of them. It is chiefly to the accidental, though, fortunately, unavoidable connexion between the interests of the community and the interests of the governing classes, that we seem to owe all that is best in them; and this has undoubtedly given them their *practical* character. And although, in any alterations, we should undoubtedly propose to keep the principle of general utility much more distinctly in view, yet it will be necessary to substitute some regulating

* It may be observed, that the formation of a new code had, long before the French Revolution, been in contemplation; and that the materials for it, found in some of the official portfolios, formed no small part of the groundwork of the projet; and the code, as it now stands, is in a great measure a compilation from the Civil Law. The proceedings and discussions on the formation of the Civil Code, were published in three volumes, quarto, at Paris, *(Discussions du Code Civile dans le Conseil d'Etat.)* The work is extremely curious, and, to the legislator, furnishes much interesting matter. We shall probably, at a future period, give some account of the contents of these volumes. The observations of Bonaparte, who (then First Consul) appears to have taken an active part in the discussion, afford proofs of great acuteness, and often of the most profound absurdity.

principle, equivalent to that safe principle of immediate interest, which has hitherto preserved our laws from the wildness of theory, which, with deference, Mr Bentham seems disposed to introduce into our *Civil* code. In answer to the objections which may exist against alterations of the limited kind we shall propose, it is sufficient to remark, that the laws of real property have been in a constant course of statutory alteration from the earliest period of our history; and to show, that the inconveniences we propose to remove are of the same nature as those which have already from time to time been removed by the enactment of new laws.

Although lawyers in general have, for the reasons we have stated, opposed amendment and alteration, we are not, however, without the support of great names, who assume the character of much bolder reformers than we shall be found to be. Amongst the foremost of those who have overcome their professional prejudices, are Lord Bacon and Sir M. Hale. Lord Bacon, in his '*proposal for an amendment of the laws*,' and in other parts of his works, has laboured to show the necessity and the safety of the work, and how it may be done, 'being nothing 'speculative, but real and feasible; not going to the matter of 'the laws, but to the manner of their registry, expression and 'tradition; giving rather light, than new nature:' And he observes, that 'the laws, as they now stand, are subject to great 'uncertainties, whence arises the multiplicity of suits that the 'contentious person is armed, and the honest subject wearied 'and oppressed, and that men's assurances of their lands and 'estates are subject to be questioned.' Again—'There is such 'an accumulation of statutes concerning one matter, and they 'so cross and intricate, as the certainty of law is lost in the 'heap.'—'The work in hand (the proposals for the amend-'ment) is expressed to be "*a pruning and grafting of the law*, "*not a ploughing up and planting it again*," for such a remove 'I should hold indeed for a perilous innovation. But, in the 'way that I shall now propound, the entire body and substance 'of law shall remain, only discharged of idle and unprofitable 'or hurtful matter.' A learned Civilian rather whimsically expounded the text of '*Pluet laqueos super eos*,' as alluding to a multitude of laws; and Lord Bacon remarks, *Non sunt pejores laquei quam laquei legum.*

In the great reform of the Civil Code under Justinian, it was not attempted entirely to re-model the whole system of laws. When he ascended the throne, the reformation of the Roman Jurisprudence was an arduous, but indispensable task. In the space of ten centuries, an infinite variety of laws and legal opi-

nions had filled many thousand volumes, which no fortune could purchase, and no capacity digest. The spirit of Tribonius (whose genius, observes Gibbon, like that of Bacon, embraced as his own all the business and knowledge of his age) excited Justinian to undertake the great task. If Cæsar (he continues) had achieved the reformation of the Roman Law, his creative genius, enlightened by reflection and study, would have given a pure and religious system of jurisprudence; but Justinian was afraid to establish his private judgment as the standard of equity. In the possession of legislative power, he borrowed the aid of time and opinions; and his laborious compositions are guarded by the opinions of sages and legislators of past times. Instead of a statue cast in a simple mould by the hand of an artist, his works represent a tesselated pavement of antique and costly, but too often incoherent fragments. Whether it were possible to achieve the reform supposed, by Gibbon, of the creative genius of Cæsar, with us admits not of a doubt; and we consider him as pronouncing a panegyric, while he thinks he is passing censure on Justinian. The statue cast in a simple mould, however it might have been admired for the symmetry of its form, would have served but the purpose of ornament; and we think that, whoever considers the subject, will give a decided preference to the tesselated pavement of Justinian, the compiled code, selected as it was from the opinions and precedents of past ages. With regard to our own laws, we have also the authority of Sir W. Blackstone, who, whatever may be the objections to his political opinions, on the subject of the alterations of the laws whose origin and progress he has traced with such learning and elegance, must be admitted as high authority. Although he has expressed himself decidedly hostile to any general alteration, he has suggested means by which the intricacy of several of the proceedings and forms, particularly those relating to common recoveries and to the transmission of property, might be simplified, and with great apparent safety. —We conceived we could not do better than, by these preliminary observations, prepare our readers for the improvements we are about to suggest.

It must be admitted, that the laws of real property, in their present state, give rise to innumerable suits, which invariably end in a considerable loss to one, and often to both parties; and in addition, unfair purchasers are frequently enabled to avail themselves of difficulties which are the consequence of the peculiar state of the laws, for the purpose of protracting the time of payment; and are often enabled, where the bargain turns out disadvantageous, to evade the contract. It is well

known that when, a few years back, the value of land considerably diminished, suits for compelling purchasers to perform their contracts became very numerous; and the records of the Courts of Equity about that time are filled with cases of unwilling purchasers, availing themselves of the vast varieties of technical objections against those who sought to enforce the contracts, now no longer their interest to perform. We think we may take it for granted that our readers know, that the transfer of real property in England is effected either by deed, transacted between two or more private parties, or executed by one only as donor: by matter of record or an assurance, transacted only in the King's public courts of record; or, with regard to transfers which are to take effect on the death of the owner, by devise contained in a last will.

First, with respect to conveyances by matter of record, it will be necessary that we should enter somewhat into detail, in order to make their nature and effect understood.

Inheritances were, in England as well as other countries into which the feudal system was introduced, inalienable, except under various restrictions, and not to be altered as to the course of descent. The subtlety and finesse of the Judges, and probably the inconveniencies arising to the public from fettered inheritances, induced them very early to invent modes for destroying those restrictions, which, in a loose sense, may be called entails. However, in the 13th Edward I., the desire of the nobility to perpetuate their possessions in their own families, prevailed over the judges and the public; and the statute *De donis conditionalibus*, or the Statute of Entails, properly so called, was passed, to prevent the destruction of them, and not only to enable the owner to confine his property to a particular line of heirs, but even to give it over successively to other series in remainder, in the event of the failure of the former. This law introduced infinite difficulties; latent entails were brought forward against the fair purchaser, and endless disputes on the subject crowd the law-books of that period. That remedy, which could not be procured directly from the legislature, was obtained by the concurrence of an active and politic prince; and in about 200 years after the statute, a method was contrived, again with the aid of the judges, to evade the law of entails, when *common recoveries* were openly declared by the judges to be a sufficient bar to them; and the fine was soon afterwards made in many cases effectual for the same purpose. What a common recovery is, we scarcely hope to make our general readers understand, the machinery is so complicated. It is described by Blackstone as a fictitious proceeding, or *pia fraus*, to elude the effect

of the statute of entails—a singular admixture of jurisprudence and legislation! A recovery is a fictitious suit, in which the land is recovered against the actual and supposed wrongful tenant of the freehold; and, being a supposed adjudication of the right, binds all persons, as well taking under the first line of entail as under any remainder or reversion, and vests a new and absolute fee-simple in the recoverer. A fine, on the other hand, is the composition, by leave of the court, of a fictitious suit for the recovery of land, whereby it is acknowledged to be the right of the fictitious plaintiff. The fine, however, is generally allowed to operate only against the heirs in tail of the person levying it, not against the remainders and reversions. It may be here important to observe, that a fine levied by a person having the possession of a freehold estate, against the true title, with the aid of a certain additional form called proclamation, has the effect, at the end of five years, (still under certain restrictions), of barring all adverse claims upon which a peculiar legal process has not been instituted in the mean time. The general result of the *fetters* imposed by the common and statute law, and of the means which have been found to evade them, we may state to be, that property may be tied up and made inalienable, during the existence of any number of lives *in being* at the creation of a settlement; *but* on any person afterwards coming into being having a restricted inheritance, he may, on attaining twenty-one, by some means, and chiefly by fine or recovery, acquire the absolute dominion of the property; in most cases, however, not effectually, without the concurrence of the tenant for life, or person having the estate, if freehold, in possession.

Of the two processes of fine and recovery, the latter, which is the more extensive, is also more complicated, and consequently most exposed to mistakes arising from ignorance or carelessness. A recovery, though professedly fictitious, yet passes regularly through the different stages of a real action, (the forms of which having been invented in a barbarous age, are absurd and cumbrous in the extreme), from the first suing forth the writ to the final judgment, and the delivery of the possession to the supposed injured party by the Sheriff of the county in which the property lies; and all this is done in due form, and in pursuance of the King's writ; not one jot of the formality of the proceedings being abated. * The Court of Chancery has, by analogy,

* That the reader may form some idea of the proceeding in a recovery, we subjoin the following accurate description, given by Blackstone. 'Let us in the first place suppose David Edwards to be tenant of the freehold, and desirous to suffer a common recovery, in

applied these processes to what are called trust, or equitable estates. Even if there were not more serious evils arising from these singular proceedings, we should conceive their length and expensiveness sufficient grounds for their reform, and the substitution of '*some cheaper and more expeditious mode of conveyance*,' if it could be made compatible with safety; but there are objections to those proceedings of still weightier moment.

In recoveries it is necessary, as may be collected from our description of the process, that the recoverer should be actually

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'order to bar all entails, remainders, and reversions, and to convey 'the same in fee-simple to Francis Golding. To effect this, Golding 'is to bring an action against him for the lands; and he accordingly 'sues out a writ, called a *præcipe quod reddit*, because those were 'its initial or most operative words, when the law proceedings were 'in Latin. In this writ, the demandant, Golding, alleges that the de-'fendant Edwards (here called the tenant) has no legal title to the 'land, but that he came into possession of it after one Hugh Hunt 'had turned the demandant out of it. The subsequent proceedings 'are made up into a record, or recovery roll, in which the writ and 'complaint of the demandant are first recited. Whereupon the te-'nant appears, and calls upon one Jacob Morland, who is supposed, 'at the original purchase, to have warranted the title to the tenant; 'and thereupon he prays that the said Jacob Morland may be called 'in to defend the title which he so warranted. This is called the '*voucher, vocatio*, or calling of Jacob Morland; the vouchee appears, 'is implicated, and defends the title. Whereupon Golding, the de-'mandant, desires leave of the court to *imparle*, or confer with the 'vouchee in private; which is (as usual) allowed him. And soon 'afterwards the demandant, Golding, returns to court; but Morland 'the vouchee disappears, or makes default. Whereupon judgment 'is given for the demandant, Golding, now called the recoverer, to 'recover the lands in question against the tenant, Edwards, who is 'now the recoveree; and Edwards has judgment to recover of Jacob 'Morland lands of equal value, in recompense for the lands so war-'ranted by him, and now lost by his default; which is agreeable to 'the doctrine of warranty mentioned in the preceding chapter. This 'is called the recompense, or recovery in value. But Jacob Mor-'land having no lands of his own, being usually the cryer of the 'court, (who, from being frequently thus vouched, is called the '*common vouchee*), it is plain that Edwards has only a nominal re-'compense for the land so recovered against him by Golding; which 'lands are now absolutely vested in the said recoverer by judgment 'of law, and seizin thereof is delivered by the Sheriff of the county. 'So that this collusive recovery operates merely in the nature of a 'conveyance in fee-simple, from Edwards the tenant in tail to Gold-'ing the purchaser.'—*Comm. Vol. II. p. 358.*

seised of the freehold, either at law or in equity; for the land cannot of course be recovered from him who has it not. When it is considered that estates of freehold are ordinarily created for very limited purposes, as the raising a portion, securing a jointure or annuity, &c., and are often suffered to have a dormant existence, or to become what is technically termed outstanding estates, after the purpose has been answered, it will easily be conceived the above principle gives rise to a whole host of difficulties, and many often of great magnitude. It frequently turns out, that, by some accident, such as not carefully inspecting the title previously to suffering the recovery, the party suffering the recovery has not got the freehold, it being in some trustee; and thus the whole proceeding is void. But what is worse, this frequently is not discovered till too late, till others under the old entail have succeeded to the right, and who, by reason of the defect in the recovery, are not barred, but may enter on the property, and displace those who, but for the technical error, would have been the entire owners. Although this event is not of very frequent occurrence, yet the danger of it perpetually haunts conveyancers and purchasers of property; and many a title is rejected, on proof of the *possibility* of its occurrence in the particular case. Whole treatises have been composed on the nature and operation of recoveries and fines; and it is not unfrequent to see the opinion of six counsel on their effect given one way, and an equal number arrayed on the opposite side. And there are instances of five recoveries having been suffered in succession, (of the same property), before the object was considered to have been successfully accomplished.

The history of a case which very recently occurred, would be sufficient to illustrate the mischievous state of the laws in this respect. Parties having an entailed estate, suffered a recovery, and made new settlements of parts in favour of different objects from the former, and sold the residue, (to the amount of near 10,000*l.* a year). Amongst a vast number of purchasers, who again in many instances sold in parcels to others, at a considerable distance of time, and after the title had been approved of by several eminent counsel, a flaw was discovered in some part of the proceedings in the recovery. The persons claiming under the new settlements found themselves in danger of being reduced to beggary; the different purchasers were in the greatest consternation, some seeking new advice, others reproaching those in reliance on whose opinion they had laid out their money. The point in that case, we believe, has either not yet been

determined, or has been considered as so doubtful, that the parties have compromised their rights.

The peculiar difficulty relating to the freehold estate does not exist as to a fine, which implies an agreement, but not a recovery of possession.

The next objection applies both to fines and recoveries; for the writ whereby the suit is commenced, must contain a technical description of the property in question. But this description, from the rules by which it is regulated, is of a nature to be entirely useless for the purpose of identifying the property; and it is necessary that the real description should be contained in the deed which accompanies the recovery or fine. However, to the validity of the recovery or fine, the strict observance of the technical rules of description is indispensable; and these are so intricate, and remote from common usage, that they give rise to many difficulties and objections; and scarcely a quarterly number of the Reports of the Court of Common-Pleas appears that does not contain many discussions or rules relating to the amendment of such mistakes; but which amendment is often refused, and the assurance fails altogether, producing all the evil consequences which we have before alluded to. A fine and recovery, we should add, are the only means by which a married woman can transfer her estate in real property; she being separately examined as to her willingness to part with her property, either before a judge, or by commissioners appointed for that purpose. We have said nothing of the vast expense, and the delay attendant on these proceedings. The expense, indeed, in some cases where the property is small, nearly equals the value of it; and where the property is in different counties, a recovery must be suffered in each county. In no instance can it, with the usual consequent proceedings, deeds, &c. be suffered, under from 30*l.* to 40*l.*

To us the remedy for all this appears most simple. Do away with the whole process of the recovery and the fine, and substitute some cheaper, some more certain common assurance in their place. By a further fiction of the law, endow these substitutes with all the virtue of their principals; and thus will one of the greatest difficulties in the transfer of property be removed.

The assurance that we would substitute, is a simple enrolled deed, by which any person beneficially entitled to what, in a court of equity, would be considered as an estate of freehold in possession (legal or equitable), and who was competent to suffer a recovery, or levy a fine, in a form prescribed (and without the necessity of the concurrence of the trustees of outstanding

estates), should declare his intention so to do; and such declaration should be taken for the act, and should have all the effect of a recovery or fine. In these cases, and in other cases of alterations which we shall notice, we have the advantage of experience; and all doubt as to the practicability of the plan will be removed, when we inform our readers, that, in most of the colonies where the English law prevails, this mode is adopted with complete success. This reform comes exactly within the limits we have chalked out. It is not one of those perilous innovations which Lord Bacon notices—it is no ploughing up and planting again—it is merely a pruning away of the idle, unprofitable, and hurtful matter: Besides, for the very alteration which we propose, we have the authority of Sir William Blackstone, who prefaces the recommendation by remarking, that 'since the ill consequences of fettered inheritances are now 'generally seen and allowed, and of course the utility and ex-'pedience of setting them at liberty are apparent; it hath often 'been wished that the process of this conveyance (a recovery) 'was shortened, and rendered less subject to niceties.' We do not anticipate, in this short disquisition, the possibility of obviating every difficulty with respect to the barring entails by this improvement; but we think it is obvious to every candid person, that much good may in this manner be effected. The separate examination of married women might still be continued; and, with regard to notoriety, if it were thought necessary, in respect of fines, they might still be proclaimed in open court, although, in truth, the ceremony is entirely useless.

Before we proceed to discuss other alterations, we shall make a few remarks on the manner in which the laws by which the alterations to be made ought to be framed. The course of improvement which we have suggested is in fact, as we have before observed, nothing but a continuation of the course of statutory alteration which the laws of property have been constantly undergoing. The difficulties which have already arisen on the construction of such statutes, may be urged as a preliminary objection to our plan. In answer, we would observe once for all, that, considering the mode in which the generality of these statutes have been framed, and the various and inconsistent amendments and alterations they have been subjected to, in passing through the two Houses of Parliament, it may be justly matter of wonder that the objections are not more numerous than they are. Some one, at the suggestion of a busy constituent, brings into the House of Commons a bill to remedy some existing defect in the law. This, in general, is framed without

much care, and with very little knowledge of the subject; the fate of the bill is, either that it excites no interest at all, or perhaps some clause is added, not always improving the consistency of the whole; and, in the House of Lords, it is either thrown out entirely, (and, whilst its defects are exposed and ridiculed by the learned Lord who presides there, the necessity of the remedy is not unfrequently admitted); or if it should pass this ordeal, it very rarely escapes some addition or rider, by which its inconsistency or insufficiency is rendered more glaring. *

We conceive that, on a subject requiring so much knowledge, and so much caution as any alteration in the laws of property, no alteration should be made until a reference has been made to the Judges and Law-officers of the country, and their opinion on the proposed alteration first obtained; and, if they should be of opinion that the law should be altered, the act should be submitted to them, to ascertain that it has been framed with proper caution, and with due reference to its proper execution. If this course had been pursued, we suspect that much inconvenience and confusion would have been avoided in the execution of many of the present laws. We cannot furnish a more perfect example of both our positions, as to the expediency of alterations of the law, and the caution necessary in the mode of carrying such alterations into effect, than by referring to the statute lately passed, which enables copyhold tenants to dispose of their copyhold estates, without having previously gone through the ceremony of surrendering them to the use of their will. Until this statute, every person having a copyhold estate, before he could dispose of it by his will, was obliged to surrender it to the lord; and, if he neglected so to do, the disposition was (with some few exceptions) ineffectual. Perpetual litigation, for centuries, arose from this omission, and yet the remedy was not applied until recently. The statute which supplies the remedy is entirely open to the objections we have noticed, arising from carelessness and ignorance in the framing of it; which would not have been the case if, before it passed into a law, it had been submitted to the consideration of those most competent to judge of its operation.

It is not one of the least curious and important subjects in framing laws, to trace the boundaries between interpretation of

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* The act making it necessary to enrol memorials of grants of annuities, is a very perfect example to our position in this respect, both with respect to its original construction, and the amendments it was subjected to in the House of Lords.

the law, which is the province of the judge, and legislation, which is the part of the lawgiver.

In considering many of the statutes which have been much canvassed and commented on by the courts of law, it will be observed, that, in many instances, the judges have assumed the part of legislators, and, indeed, have been often compelled to do so by the inaccuracy with which the law has been framed; and Lord Bacon, in his Advancement of Learning, when he treats on this subject, admits the necessity of this.—'In hujusmodi casibus triplex adhibitur remedium, sive supplementum; vel per processum ad similia, vel per usum exemplorum licet in legem non evaluerint, vel per jurisdictiones quæ statuunt ex arbitrio boni viri et secundum discretionem sanam.'

We shall proceed to notice private conveyances between parties. The expenses on the transfer of property, and the restraints imposed by the feudal system, very early introduced secret conveyances. The ordinary mode of conveyance, in modern times, founded on a subtlety which it is not necessary to explain, is by *two* deeds, the first conveying an interest for a short time (a single year); the second enlarging the estate to a perpetuity. This is called *Lease and Release.* The lease is constantly recited in the release. Now, what we should propose is, to omit the lease altogether in this mode of conveyance. Why still make it necessary to have the lease in reality? Why retard the progress of the machine by this useless burthen? Enact that every release, purporting to be grounded on a previous supposed lease, should have the same effect and operation as if there had been a lease actually executed, and one deed in two is saved on nearly every transfer of property,—all difficulties respecting the construction of the lease are removed,—as well as all chances of its being lost, or being omitted to be prepared or executed, from accident or ignorance. In such a law there can be no difficulty; and yet great conveniences will arise by the simplifying the evidence of the title: And, in the present instance, we shall not act without the advantage of experience. In Ireland, this course has been adopted with perfect safety, and also, we believe, in most of the Colonies where our laws prevail.

It is true, there exists one grand primary objection to this style of improvement; a stamp is imposed on the lease for a year—and taxes are very necessary things. To this, however, it may be satisfactorily answered, that the stamp of the lease may be put on the release; nay, if the value of property is increased by the improvement of the mode of conveyance, it will bear a higher rate of taxation. The same objection as to stamps arises to the abolition of recoveries and fines; and the same an-

swer may be given, and the same result may be anticipated, as far as regards the taxes. If the desultory and difficult process of a recovery cost the owner 40*l.*, 5*l.* only of which reaches the Exchequer, take away the hazard and the expense attending the process, by allowing a simple deed to represent the recovery, and the owner will still be better off if he is taxed the whole 40*l.*; for at least he will not be subject to the different doubts and difficulties attending on the process of the recovery, or the levying a fine. This, however, brings us to another difficulty, also noticed by Sir William Blackstone, which must in like manner be conquered before we can expect to make any progress. The offices through which the different processes of fines and recoveries pass, afford various comfortable sinecures; and some small part of the duties on alienation, after being well riddled and sifted, finds its way into the Exchequer. It is a well known fact, and we believe it was noticed in some pamphlet by Lord Sheffield, that the principal cause why a general enclosure bill did not pass the House of Lords, was, the loss which would be occasioned to the clerks and officers of Parliament, who reaped large sums, in the way of fees, upon private bills. With this example staring us in the face, it would, we admit, be hopeless to attempt any improvement which should trench on this sacred ground. Let these emoluments be nicely gauged, and then a sufficient compensation awarded to the holders of the different offices, out of the taxes on stamps, the amount of which would, by the plans we have suggested, be considerably increased.

We shall now proceed to the last example of necessary alterations which we shall give in detail.

In the disposition of real property, there perhaps is no one doctrine which creates so much doubt as that which arises on points relating to the destruction of what are termed contingent remainders. We must again trespass on the patience of our readers, whilst we give a short explanation, in order to point out the nature of this subject. In the limitation of a particular interest in real property to A, as to him for his life, and after his death to another, the first estate is called a particular estate, and the estate limited after the death of A is called a remainder; and there is a rule of law arising from the doctrine of tenures, that the remainder must *vest in the grantee during the particular estate, or* eo instanti *that it determines.* Now, in the case of a limitation to A for his life, and, after his death, to his children, if at any time before A has a child, his life estate, that is, the particular estate on which the remainder to his children depends, becomes destroyed, and which it may be by A's exercising a dominion over the property, by the perpetration of cer-

tain acts of ownership held to be inconsistent with his limited interest, his life interest becomes forfeited; and there being no child in being whose remainder could vest *eo instanti*, on the principle we have stated, the remainder is destroyed; or, in other words, not being capable at that time of taking effect, it never will; and the estate reverts to the original grantor or his heirs. And supposing that A was heir-at-law of the person who limited the estate, by thus destroying his life estate, and the remainders dependent on it, he becomes absolutely entitled to the property, which it was clearly the intention of the settler he should only have for his life, and that it should be enjoyed by his children.

The laws of England are administered from two sources—the Courts of Law, and the Courts of Equity;—in some things, though the maxim of *æquitas sequitur legem* prevails, yet the distinctions and requisites relating to feudal tenure are not *all* required. In order, therefore, to give effect to settlements, it has been usual to give an estate to a trustee, to take effect *after* the forfeiture of the life estate, if it should take place, and until the persons to whom the interests in remainder are limited shall come into existence: and these trustees are called '*trustees to preserve contingent remainders;*' and where a limitation of this sort is properly interposed, no inconvenience arises. The parent is unable to defeat, by the means we have noticed, the settlement made in favour of his children; but where the system is, as in the present case, with regard to the laws of property, so complicated, and depends on such niceties, and when, from the vast extent of property, so many must be employed in the preparation of instruments whereby property is settled either by deed or will, many mistakes and omissions happen; and some of the most difficult cases in the law-books arise on the very point which we have stated—as to whether the life estate was actually forfeited—whether, in fact, the estate dependent on it could or could not, on the determination of the life-estate, take effect, and, by doing so, prevent the will of the settler from being defeated. Now, if the only mode of altering the law relating to the preserving these contingent remainders were, by the enactment of some general maxim, which might be supposed to counteract the inconvenience arising from the principles of a forfeiture, and the necessity of the estate in remainder vesting *eo instanti*, we should join with the most eager of those who set their face against all alterations; convinced that, in a science which depends on a series of persons applying certain general positions to an infinite variety of cases, it is beyond the present

imperfect state of language so to frame the position, as not, in a very short time, to give rise to cases which were not foreseen, and which, experience has shown, not all the combined knowledge and experience of the man is able to foresee. 'Angusta 'prudentia humana casus omnes quos tempus reperit non po-'test capere.'—Bacon.

But we think a remedy may be supplied, which, as far as we can foresee, touches on no general principle—one which, without giving rise to any new matter for the judgment of the courts, or the difficulties of counsel, in fact narrows the duties and the labours of both. The remedy is, that the law should supply that which the donor may have omitted to supply—namely, a Trustee to preserve those remainders, where none is already appointed. We cannot see any possible objection to the passing an act, in which it should be provided that, in all cases, and in all instruments where contingent remainders were limited or arose, the person taking the preceding estate, by the destruction of which the remainders would be defeated, should be considered as having an ulterior estate vested in him, expressly for the purpose of supporting the remainders,—such estate to arise on any forfeiture or destruction of the preceding estate. That the wording of such a statute would require great care and consideration, we are of course aware; but that it is capable of being so framed as to hold out the prospect of avoiding the objections which usually arise from the destruction of contingent remainders, we are quite satisfied; and indeed this would only be doing what a court of equity does in a similar case, where the administration of the property happens to be under the jurisdiction of that court, by reason of its being what is technically termed a trust-estate; as there the party is prevented from availing himself of his own act in the destruction of contingent remainders.

We are tempted, at every fresh step we take, to apologize to our reader for the dryness of the subject, and to remind him of its importance. On looking back on what we have written on recoveries and contingent remainders, we believe that it is really intelligible to any one willing to give the subject common and fair attention; and yet we are prepared for an almost absolute determination in many of our readers *not* to understand a subject so long left entirely to the considerations of professional men.

With regard to the proposed alterations regarding contingent remainders, we are not without support,—support which the strongest and most prejudiced opponents to alteration will admit to be very powerful.

The late Lord Kenyon, we have been informed, had himself prepared a bill for the purpose of amending the laws of real property, and, amongst other things, of preventing the destruction of contingent remainders, whether in the manner we have proposed, or otherwise, we are ignorant; but, upon some preliminary objections being started, in a fit of vexation he is said hastily to have destroyed the bill. Now, we shall claim to ourselves all the benefit of his support, and shall allow nothing to the proposer having abandoned it, from the manner in which it is reported to have been done. The measure, it must fairly be presumed, was not adopted without mature deliberation: its abandonment appears to have arisen from an opposition which probably appeared vexatious or absurd.

With respect to the character of Lord Kenyon, skilled in the most intricate branches of the laws of real property, and attached to the pursuit by habit, and with all the prejudice of professional education, the presumption is, that any innovations in the laws which he proposed to make, were at least fully warranted.

It is observed by Sir W. Blackstone, that, in all well governed nations, some notoriety of the fact of the conveyance has been held requisite; and this brings us to the long controverted point of a General Registry, the expediency of which is doubted by Sir W. Blackstone. To discuss the different arguments which have been used for and against a general registry, would occupy a space far greater than our limits afford. In favour of the registry it should be observed, that two of the richest counties in England have one; and that the security arising from the certainty of title from registration is such, that it is currently believed the property in those counties is of greater relative value; and every one must have observed frequent advertisements from persons having money to lend, who require the security to be in a *register* county, (viz. Middlesex or Yorkshire). We may also venture to suggest, that a very considerable degree of the inconvenience of the present registry laws in England, arises from the construction which the Courts of Equity have put on these laws. Indeed, the doctrines introduced may be rather considered as an abrogation or repeal of them altogether; for, though the laws themselves are imperative, and say that a deed which is registered shall have the priority and precedence of that which is not registered; yet the Courts have decided, that, notwithstanding, if the person claiming under the registered deed had notice of the unregistered one, the first purchaser, although his deed is not registered, shall be preferred. With such principles of

decision as this, it is probable a registry act might, as Sir W. Blackstone has observed, lead to more disputes than it prevents. Amongst the benefits which would result from the adoption of a registry would be, the diminution of the risk of latent deeds and fraudulent charges, the facilities afforded in the preservation of evidence of title, and the decrease of the expense of transferring property; and from the certainty afforded by the means of searching the registry, sales and mortgages would be facilitated. At present, also, as the evidences of title are mostly private unregistered deeds, on the division of property, it becomes necessary that the deeds should be retained by one party, and the other must be content with an engagement to produce them, with copies of the originals; which, however, are heavily stamped, and procured at a vast expense, and are, in some cases, alone equal in amount to the whole value of the property. In answer to the objection arising from the publicity which would be given to the state of property, and the anxiety, and even the necessity, of mercantile persons and others keeping their concerns secret, it may be remarked, that this is not felt in those counties where there are already registers; or that, if it be so, the objections are counterbalanced by the opposite conveniences. And it may be further observed, that, in cases where persons are willing to dispense with the advantages of the registry, this may be done without any inconvenience beyond that arising from such confidence being misplaced. In noticing this point, we must not be considered as having stated the whole arguments which, on both sides of a question of so much difficulty and importance, would require to be discussed. We are willing to admit, that it might, perhaps, after consideration, be found impossible to introduce a registry, without the chance of its being attended with greater evil than benefit; but the importance of the subject makes it an object of serious consideration.

We have now brought our observations to a close. As to the alterations which we have suggested, we have only selected a few of the most important, and those which are most obvious, and which have already, in some degree, the sanction of authority. If our principle of reform is once admitted, the state of the laws of real property affords many other cases which equally demand consideration. It will be remembered, that we have not proposed any direct alteration in the law; it is only, we conceive, by simplifying the present mode by which the different processes in the transfer of property are carried on, that any beneficial result can be expected: and this, we think, may be done with safety. The subject is also of further importance,

inasmuch as it tends to increase the value of property; for, by decreasing the expense of its transfer, by adding facilities to the mode of disposing of it, and certainty to the rules by which it is held, the intrinsic value of the property itself must be increased.

We have no room for any detailed remarks on Mr Sugden's work, noticed at the head of this article. It purports to be a series of letters to *a gentleman of landed property*, who is made to lament to the author, 'that he was constantly compelled to 'exercise his own judgment on legal points, as he could not al-'ways have his Solicitor at his elbow; and yet often found, 'that a contract for the sale, purchase, or lease of an estate, or 'perhaps a child's marriage articles, were to be entered into 'off-hand;' of course we can have no means of ascertaining the extent of the benefits which may have resulted to Mr Sugden's correspondent, from the instructions thus conveyed to him, or whether his subsequent purchases, &c. which he may have entered into *off-hand*, have been more fortunate. For our own part, we are convinced it is impossible that half a dozen letters, containing a few accounts of supposed cases of sales, &c. with technical directions how the correspondent in such and such cases is to act, can afford to any person useful or safe information, or tend to save him from the numerous toils which the law spreads for the unwary. Information to be relied upon in practice, relating to the laws concerning the sale and transfer of property, is not capable of being compressed into an hundred pages of Conveyancing made Easy. With all the perspicuity which we willingly acknowledge Mr Sugden's treatise to possess, it does not go any way, in our minds, to falsify the maxim, that 'a little knowledge is a dangerous thing;' and we apprehend, that the *gentleman of landed property*, who should take in hand even Mr Sugden's more extensive treatise on '*Venders and Purchasers*,' unless he brought to the reading of it much previous knowledge, would still not be well advised to exercise, with this assistance, his own judgment on legal points. We feel no inclination to subject Mr Sugden's performance to a critical examination as to its literary merits, a point in which the author had doubtless no thought of its being regarded. If, however, the *gentleman of landed property*, to whom it is written, should happen to be of a fastidious taste, the story of the Blanket (p. 89.) might possibly offend it.

Art. XII. 1. *An Appeal to the Legislature and the Public; more especially to Dissenters from the Established Church, of every Denomination, on the Tendency of Mr Brougham's Bill for the Education of the Poor;—to augment the Poor's-rate—to interfere with the Rights of Conscience, and infringe on the Spirit of the Toleration Acts: With some Remarks on its probable Effects in injuring Sunday Schools.* By James Baldwin Brown, Esq. LL. D. of the Inner-Temple, Barrister-at-Law, and one of the Committee of the Protestant Society for the Protection of Religious Liberty. London. Wortley, 1821.

2. *Observations on Mr Brougham's Bill; showing its Inadequacy to the End proposed, and the Danger which will arise from it to the Cause of Religious Liberty.* London. Baldwin, 1821.

3. *Inquiry into the Operation of Mr Brougham's Education Bill, as far as regards the Protestant Dissenters.* By a Nonconformist. London. Sherwood, 1821.

To these we might add several other publications from the same quarter, and one or two from the pens of High-churchmen, still more alarmed than the Dissenters, at what they term a plan for paganizing the education of youth, by excluding from schools the Liturgy and the Catechism of the Church. It is, however, somewhat remarkable, that although these High-Church zealots began the attack, in which one of them indeed scrupled not to represent the measure as proceeding from the immediate agency of the devil, as soon as they perceived that the Dissenters had taken it up, they drew back, and either insidiously encouraged their arguments, by pointing out in what particulars the Bill was unfavourable to sectaries, or remained quiet, in the hope that the brunt of the battle would be borne by the latter. Thus, the adversaries of all education hoped at once to see the defeat of the measure, and to shift the odium of opposing it upon their old enemies, the Dissenters.

A plan which carefully steered clear of the prejudices of both extremes, and professed to hold the scales as even between the Church and the Sects as might be possible, consistently with the existence of an Establishment, was sure to encounter pretty violent opposition from the less considerate on each side. Hitherto, however, the most formidable attack has been made by the Dissenters; and, although there may be some exceptions, yet the bulk of that most respectable and worthy body have stated their objections with perfect fairness; and shown no want

of temper or of candour in the management of the controversy. The meetings which they have held (with perhaps one exception) have been marked by great animation, even much natural warmth, but no unwillingness to hear reason, or to receive with respectful deference the sentiments favourable to the measure, which fell from their most venerable and enlightened members. * And it is necessary to add, that there has appeared very little difference of opinion among them, in disapproving of the parts of the measure which affect, or are thought to affect, themselves; although it is understood, that they differ a good deal as to the propriety of resisting the measure altogether. Our present concern is with those who oppose the whole—who deny the necessity of the plan, or hold that it will impede rather than aid the object in view—who will hear of no system of education in any connexion with the Established Church, and regard the Bill as incapable of improvement, or not worth attempting to mend. Towards this opinion the attempt is making to draw all the adversaries of the Bill; and it is easy to foresee, that if the arts of misrepresentation, or the dreams of misguided zeal, be not counteracted, the Dissenters, hitherto the firmest and most useful friends of education, will suffer themselves to be led into this most erroneous view almost universally.

Before proceeding to this discussion, we must repel, in justice to ourselves as well as to the subject, a charge which we perceive more than once made against us, in the course of the controversy, of having spoken either lightly or angrily of the Dissenters, when we formerly treated of the question. Nothing was ever more unfounded. For the Dissenters, as a body, we always have expressed what we really felt, a sincere respect, grounded upon our knowledge of their steady regard for the civil liberties of their country, and their conscientious adherence to religious opinion, which, by the absurd and unjust policy of the law, are attended with political disqualifications. But we never doubted that there exist among them a few individuals, we believe laymen, who regard those very disabilities as their own passports to distinction, emolument, and power; and though their number is extremely small, and they are holden of no account by their respectable brethren, yet their activity is great, and the noise they make not unfrequently passes for the

* Dr Lindsay's sudden death, at the close of a solemn appeal in favour of the general principles of the measure, is fresh in the reader's recollection. That truly eminent and worthy man, however, objected to some of the details.

voice of the whole body. That their handiwork was apparent towards the beginning of the controversy, we ventured to surmise; and we cited a resolution, containing so gross a misstatement, that we felt justified in ascribing it to that source, well convinced that the body at large was quite incapable of using weapons so unfair. The resolution charged the Plan with proposing a sacramental test, although that had been publickly withdrawn in Parliament a week before. Such men as we are now speaking of, would injure the best cause; they have at present found an occasion of recommending themselves, on fair and manly principles, in unison with at least the apparent interests of their sect, and they are incapable of using it fairly; but no one can much doubt, that they would try to oppose a repeal of the Test and Corporation Acts, which they hold in as great dread as some of the Irish Catholicks do the Emancipation. To them must be ascribed the vile calumny upon the pages of this Journal, that we have been insidiously attempting to cajole the Dissenters—followed by the somewhat inconsistent charge of sneering at them. Those persons felt whom we really were assailing; and they chose to pretend that the attack was made on the excellent body to which they perhaps nominally, at any rate unworthily, belong.

Of the Tracts now before us, it is only necessary particularly to bring under the reader's notice that of Dr Brown, because it is the most elaborate that has been published, and probably contains the full summary of their argument, to which the adversaries of the measure would most willingly appeal. Nevertheless, we are compelled to observe, that, with all the pains which the learned author seems to have taken, he has fallen into a greater number of plain and obvious mistakes than, upon so simple a subject, appears to be possible; provided one brings to the consideration of it a calm and unbiassed mind. If, indeed, it is upon such grounds that his dissenting brethren object to the Bill, they may fairly be said to contend with a phantom of their own creation. We shall point out a few of Dr Brown's wanderings, in his search after the purport of the Bill.

1. If an application or complaint is made to the Quarter-sessions, for the purpose of having a school planted, and no opposition is made, our author takes it for granted that the Sessions must comply. 'They will be bound,' says he, 'to grant 'the prayer.' If he means that, by force of the law, they must grant it, he is clearly wrong; the discretion being in every case left to them. But he is, we presume, as wide of the truth in respect of the probability; for the Justices are much more like-

ly to satisfy themselves, that the non-appearance of the parish is owing to their assenting, before they comply with the request; and even if the parish agrees, circumstances may be easily conceived which would justify them in refusing.

2. He imagines that, beside the maximum of three parish schools, any number of others may, in any parish, be put upon the same footing, and entail a proportional expense on it, by the process of application, which enables a private or an endowed school to be made a parish school. (pp. 33, 34.) This is quite a mistake of the provisions of the Bill. The number of schools on the parochial footing can in no case exceed three in any parish. The mode of proceeding by application, as well as by complaint, is laid down in the First Bill, and the limitation of three is there peremptorily fixed. The Second Bill, in pointing out how endowed schools may be put on the footing of parish schools in certain cases, refers expressly to the proceeding by application; and the two acts are directed to be taken and construed together as one. Therefore, whether a private or an endowed school is to be so changed, it becomes one of the three allowed for any given parish. This is the plain intent of the Bills, as any one who has either read them, or attended to the analysis which we gave of them, must be aware. But Dr Brown knows it as well as we do; for he has extracted the *limiting* clause in question, a few pages before the passage in which he prefers the charge, and complains of the *unlimited* burthen likely to fall on the parish. As a sample of his accuracy, we shall only place together the charge and its refutation, which he has separated by twelve pages.

'Any existing schools may, it appears, be put upon the National Education Establishment, in addition to the three new 'ones which each parish or chapelry *may* be required to support, and *must* afterwards be maintained at the general expense.' (p. 34.) But turn back to p. 20 of the same learned author, and you read thus. 'A clause is, however, here introduced, limiting the allowance of schools under this act and another (act), which is directed to be combined with and taken as 'a part of it, intituled, "*An Act for Improving*," &c. to three 'in each parish.'

3. The same arrangement of the Second Bill leads this learned person into another mistake, to the full as palpable, and on the consequences deducible from which he is pleased to dwell at greater length. Schools on the National Plan may become parish schools by that provision. 'Every school,' (then says he) 'now maintained by public subscription, or private charity, on 'what has been termed, properly or improperly is not the ques-

'tion here, the National System, if so will its supporters, if so 'please the officiating minister, and the Justices in Sessions as-'sembled, may therefore be quartered upon the national, the 'county, and the parochial rates.' He then complains that the Dissenters will thus be made to contribute 'towards the support 'of schools, of whose *exclusive character* they do not, and can-'not, conscientiously approve.' He goes on to lay down, at some length, the distinction between schools upon the National and the British and Foreign system; observes, that Churchmen generally approve the principle of the former, while Dissenters must, in consistency, prefer the latter; and roundly asserts, that, by the provisions in question, they will be compelled to support those on the National or Exclusive plan. Nay, 'they may be 'compelled to contribute to all the existing National schools in 'the kingdom, and to all that may hereafter be established 'upon that plan.' We pass over the repetition, in all this, of the error last exposed—respecting the numerical limit—exposed, indeed, in the words of the learned author himself. But there is, if it be possible, a still grosser mistake here. The objection to the National or Exclusive plan is, that it requires the children to learn the Church Catechism and Liturgy, and exacts an attendance at the parish church. But the moment a National school is put on the footing of a Parish school, it becomes subject to all the provisions of the Bill, and, among others, to those which strictly prohibit all observances and attendances peculiar to the Established Church; in other words, the Exclusive plan is at an end as soon as the transference is completed. This is most expressly provided; but, indeed, our author, with his accustomed felicity of furnishing the antidote to his own misstatements, has extracted enough in pp. 33 and 31, to show that it must be so even if there were no more in the Bill.

4. This learned writer, in his great anxiety to show the expensive nature of the scheme, (for increase of Poor's-rate is quite as much the burthen of his song as liberty of conscience), does not scruple to assert, p. 42, that the salary of the schoolmaster may be increased as often as two-thirds of a meeting of the householders, in any parish or chapelry, please; and he says, that there is no limit to the frequency of this increase. Now, not to mention that the householders who must consent are themselves the rateable inhabitants, and not very likely to transfer their incomes to the schoolmaster in the way apprehended, there are no less than three gross mistakes of the provisions of the Bill here committed. First, three-fourths, and not two-thirds are required to consent; secondly, such augmentations of salary can only be made during a vacancy in the office of mas-

ter; and, lastly, each augmentation is limited to the incumbency of the next master chosen. Now, our author admits, that it is also limited to twenty pounds in amount, as the maximum; and therefore it is difficult to conceive any provision more strictly guarded; nor can any one who has read the Bill entertain a doubt that it expressly prevents the very thing which Dr Brown wishes to frighten us with—the unlimited raising of the master's salary as often as the parish pleases.

5. As some copies of the Bill were printed with a verbal inaccuracy, which gave rise to the construction, that religious books beside the Bible might be introduced by the parson's authority, we shall not charge the learned author with misstatement on this point, although he probably had seen the Abstract of the two Bills, published by Mr Brougham himself, and in which the error was rectified, and the correct statement distinctly given, that no religious book whatever, except the Bible, was to be used in the parish schools, and the consent of the parson was only required as to other books. But where does he find any authority given to the parson to prohibit children attending the parish school from frequenting chapels connected with the Establishment? or to dismiss them from the parish school for attending Dissenting Sunday schools? (pp. 92, 93.) Nothing can be more groundless than this statement, or, at the same time, more calculated to excite false alarms. As a specimen of the means used to create prejudice in this controversy, we insert the passage at large.

'Dissenters, in general, have been among the earliest, the steadiest, and most active supporters of Sunday schools. There is scarcely a congregation amongst many of their denominations which has not one of these attached to it, on a smaller or a larger scale. They have found the superior benefit of them, not only in giving to the children of the poor an education abundantly sufficient for all useful purposes, in the station of life in which Providence has placed them, but also in grounding them thoroughly in the great truths of religion, according to the views of it adopted by their parents or guardians, and training them up, as far as human efforts can do it, in pious and moral habits, under the immediate direction and superintendence of the pastor upon whose ministry they statedly attend. These most useful institutions will, avowedly, be materially injured by the new system of education: its proposer, indeed, seems to anticipate that it will supersede them. At all events, it will diminish their resources, and lessen the number of their scholars; for it is by no means likely, that those children of dissenters, who attend the parochial schools on six days of the week, will be permitted to frequent a dissenting sabbath school on the seventh. The meeting-house they may frequent, under the express authority of a clause in the Education Bill; but,

attending the school attached to it, may, if they so please, be a sufficient ground for the schoolmaster and officiating clergyman, supported by the bishop, to dismiss them from that under their controul. The Sabbath schools of the Established church, are in a still worse situation; for they will, at all events, be well nigh annihilated by Mr Brougham's measures. Most large parishes have in them many churches and chapels of the Establishment, the appointment of whose minister is altogether independent of the vicar, rector, or perpetual curate; and, in many cases, for a long period of years, exempt also from the *veto* of the bishop himself; and from the pulpits doctrines are often promulgated, diametrically opposed to those which are taught in the parish church. This naturally breeds no very good will between the two incumbents; and it is not to be supposed, that the parochial one will be inclined to suffer the children of the school under his superintendence, to attend a ministry which he conceives to be heterodox, and, according to the denunciation of a right reverend prelate, * in a charge to the clergy of his diocese, infinitely more dangerous than the inculcating of such sentiments, without the pale of the church, by pastors whom his lordship would treat, and wish to be treated, with all imaginable respect.'

This is full of the most gross mistakes; and the other pages, (as 73) of the author's pamphlet, enable us to correct the principal ones: at least they show that, in one part of his composition, he was aware of the real provisions of the Bill. It is not true, then, that Dissenters alone are allowed to take their children from the parish church to a chapel, whether connected with the Establishment or not. The proviso is perfectly general. Children attending the parish-school, are to attend the church also, with the master, unless he be satisfied that they attend the worship of the Established Church, (but not in the Parish Church), under the care of their parents or guardians; and if the latter signify a desire that they shall attend any chapel where the worship is different, then the master is strictly prohibited from taking notice of the child's absence. Thus, if the chapel is in connexion with the Establishment, the child may attend; for there the worship will be 'divine service of the 'Church of England as by Law established;' and if it varies ever so little from that service, it comes within the second exception;—so that chapels and meeting-houses of all kinds are included in the proviso. So with respect to Sunday Schools—

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* Dr Law, the present zealous anti-Calvinist Bishop of Chester, a diocese in which, whilst the learned and excellent Dr Porteus was at its head, Calvinism was openly encouraged as the doctrine of the Church of England. What that doctrine really is, who shall decide when *bishops* disagree?

there is not one word in the Bill to empower either the parson or the master to interfere with them, or to prevent every child in the school from attending any Sunday school, whether in church or chapel; for the only provision which could interfere with Sunday schools, is that which authorizes the master to teach one himself for catechism; and no child is obliged to attend it, if the parent or guardian notifies his desire to the contrary; which, of course, he will do, if he prefers another Sunday school. As for the argument that the master, parson, or bishop, may, '*if they so please*,' combine to dismiss a child from the parish school for attending a Sunday school, it amounts to this—that a grossly unlawful act may be done, if persons will venture to do it;—and so might the church-wardens and magistrates combine to refuse a man parish relief because he is a Dissenter, or because they disapproved of his political opinions, or disliked his person. Let them only give no reason for their refusal, and the pauper is remediless.

These specimens may suffice to shew the learned author's accurate knowledge of his subject, or fairness in handling it—we know not which quality to laud the most. But it is not immaterial to point out such things; for they demonstrate upon what imaginary grounds a measure may be attacked. Each of the five objections, on account of which we have seen Dr Brown conflicting with the Bill, is formidable in itself; and, if it had any warrant in the provisions of that measure, would operate strongly against it. Yet every one of them is a creature of the learned Doctor's own fancy, and has no more connexion with the subject than with any other that might be named. We might pick out an endless variety of other arguments, founded in misstatements, or exaggerations, or perversions of facts and of doctrines; but these will fall rather under the more general heads of discussion. What we have already stated, consists of a peculiar class, fit to be taken apart, viz. plain misstatements of the provisions of the Bill.

It may be fit, before proceeding to the argument, that we should shortly remind the reader of the history of this Bill; and this becomes the more necessary, both because of the surprise expressed by many disputants at the principles of the measure, as if they never had been broached before, and because of the attempts made by some to charge Mr Brougham with having substituted it for another measure, said to have been opened by him in 1818. Thus, the Resolutions of the North London Sunday School Union, (a most praiseworthy and useful body), express their 'cheerful concurrence in the 'correct views and liberal principles of Mr Brougham, as ex-

'pressed by him in 1818, that a sufficient number of schools 'for all the poor might be maintained by voluntary contribu- 'tions, if the obstacles of providing schoolhouses were remov- 'ed; and that Parliament should confine its assistance to the 'first cost of the establishment, and leave the yearly expenses 'to be defrayed by the private patrons; including, of course, 'the management of the schools, and the selection of the mas- 'ters.' (*Resolution II. February 5*, 1821.) A more remarkable proof can hardly be imagined of the lengths to which the heat of controversy, and the most conscientious zeal in a good cause, will carry the best of men. This is a statement purporting to be from Mr Brougham himself in Parliament; *first*, that schools for all the poor might be supported by private charity, if they could once be established; *secondly*, that Parliament ought not to interfere, except in providing the outfit; and, *thirdly*, that there ought to be no superintendence exercised over the management of schools, except by subscribers; from which is implied, that in no case ought any other controul to exist. Could any mortal have believed, that the Speech referred to expressly took the distinction between large towns and small ones, or country districts—maintaining the necessity of a compulsory system in the latter cases, and confining, to places where the population is dense, the remark, that private charity may suffice to support schools? 'In villages and country districts, there 'is not found the same inclination to plant schools which so ho- 'nourably marks the conduct of more populous places. Where 'individuals live in very narrow communities, still more, where 'they are scattered in the country, they have not the habits of 'assembling in meetings, and acting in bodies. Their zeal is 'not raised by the sympathy and mutual reflection which con- 'stant communication excites; and, even where their disposi- 'tions are good, they know not how to set about forming or 'promoting a plan which must essentially depend on combined 'operations. In such districts, we certainly cannot expect the 'great work of educating the poor to be undertaken by the vo- 'luntary zeal of the rich; and here, therefore, it is, that we 'must look forward to legislative interference as both safe and 'necessary.' (*Parliamentary Debates*, 1818, *May* 8.) The introduction of a parish school system is then expressly recommended; and reference is made to the further inquiries of the Education Committee, and particularly to the Returns from the different parishes, as likely to afford the necessary *data* for determining how this system should be introduced, and to what districts it should be applied.

But it is still more material to look at the Report of that

Committee; because, there, we find the principles of the Education Bill most particularly laid down. Nor let it be forgotten, that the Committee was composed of men, less likely perhaps than any others who could have been selected, to lean towards High-Church principles. Indeed their conduct, at the time they were preparing this Report, is the best proof of it. The document from which we are about to make an extract, is no other than that famous Second Report, which brought to light the various cases of charity abuses, and occasioned so vehement an alarm among the zealots of the Establishment; and the passage now to be cited, is the one immediately preceding the statement of those abuses. Let it, however, be added, that the names of the members who are known to have concurred in preparing this Report, afford a sufficient pledge that antipathy to any views inconsistent with the most entire Religious Liberty, and a freedom from all bias towards what is usually termed High-Church doctrines, presided over the original formation of the plan. It is only necessary to mention Mr W. Smith, Mr Babington, Mr J. Smith, and Sir S. Romilly.

After recommending the adoption of a Parish School System, it proceeds to state, that 'its connexion with the Establishment is manifestly dictated by a regard to the prosperity and stability of both.' That the connexion exists in Scotland is well known; 'but a difficulty arises in England* (the Report adds) which is not to be found there. The great body of the 'Dissenters from the Scottish Church differ little, if at all, in 'doctrine from the Establishment; they are separated only by 'certain opinions of a political, rather than a religious nature, 'respecting the right of patronage, and by some shades of distinction as to church-discipline; so that they may conscientiously send their children to parish schools connected with the 'Establishment, and teaching its Catechism. In England, the 'case is widely different; and it appears to your Committee essentially necessary that this circumstance be carefully considered, in devising the arrangements of the system.' (*Report*, p. 58.)

We have quoted this at length, for the purpose of showing the tone taken by the Committee, which is manifestly that of advocates for the Dissenters. They plainly feel that the influence they have to struggle against is theirs who would adopt an ex-

* This difference exists now, but did not at the time when parish schools were first introduced into Scotland; for, then, the conflicting sects were far more widely separated in doctrine than they now are in Ireland.

clusive system, by prescribing religious instruction and observances according to the tenets and discipline of the Church. Against this narrow principle the Committee take their ground, and introduce their recommendation, as they thought it, of schools for all, upon the very principle of the Dissenters themselves, and of the British and Foreign School Society; prefacing it, as we have seen, with an argument drawn from the case of Scotland, in which, be it observed, that the facts are somewhat strained, for the sake of the inference in favour of a liberal system; there being no doubt that, when parish schools were in that country connected with the Established Church, the sectaries, both Catholic and Protestant, dissented in substance, as well as form, from the Hierarchy. Let us now see what sort of connexion the Committee recommended, and whether it bore any resemblance to that laid down in the Education Bill. 'To place the choice of the schoolmaster in the parish 'vestry, subject to the approbation of the Parson, and the visi-'tation of the Diocesan; but to provide, that the children of 'sectarians shall not be compelled to learn any Catechism, nor 'attend any church other than those of their Parents, seems, to 'your Committee, the safest path by which the Legislature can 'hope to obtain the desirable objects of security to the Establish-'ment on the one hand, and justice to the Dissenters on the 'other.' (*Report*, p. 58.) That the discussion of these principles occupied much of the Committee's attention, the minutes of evidence show; for they examined witnesses of great respectability upon the points; several Catholic clergymen, both in 1816 and 1818; several eminent Churchmen; and some of the most enlightened Dissenters, particularly the heads of the British and Foreign School Society. The evidence of William Allen, in 1818, is peculiarly deserving of attention. He was examined upon the very passage just quoted from the Report, while it was preparing. He was desired to state his objections; and, after a great deal of reasoning on both sides, the argument being carried on between him and the Committee in the form of an examination, it should seem that his objections all resolve themselves into an apprehension, that the fittest master might not always be chosen.

The Report recommends another measure to the Legislature, namely, the distribution of a certain sum of money in order to defray the expense of erecting schoolhouses in towns of a considerable size, where the efforts of private charity may be expected to suffice for the support of the yearly expenses. It may be observed, that the Education Bills do not propose to carry this recommendation into effect; and we may also remark, that the

plan which they lay down does not confine itself to the villages and country districts where the population is thinly scattered, according to the principle more particularly established in the Report. This omission, and this apparent deviation, both require to be explained.

With respect to the pecuniary assistance, it is well known that much deliberation and discussion took place. Resolutions were prepared and printed, pointing out the form in which such aid might most safely and beneficially be granted by Parliament. These were canvassed, both in the Committee, and among the Members of the House of Commons; and it is understood that the general opinion was so decidedly adverse to adopting this plan, at any rate as the first step, that the proposition was, if not abandoned, yet of necessity postponed, until a more favourable opportunity, and until a system of a more universal description should be adopted, with which the other proposal might well be made to unite. The line of argument taken by the Dissenters has, unfortunately, not tended to remove any of the difficulties which were found to obstruct the adoption of this proposal. One of the principal objections was, the impossibility of investing a sum of money, so as to show no undue preference, and give no serious offence to the Establishment on the one hand, and the Sects on the other. If, it was said, the money should be distributed by a Government commission, no one can doubt how strongly they will lean towards the National or exclusive system. If, again, the two Societies receive each a sum, the Establishment will never bear that the same amount should be given to the Society which professes to be wholly unconnected with it; and very great umbrage will even be given, by allowing any portion at all to that body. Such feelings are indeed extremely unreasonable, when carried to this extent; but their prevalence and powerful operation is not the less a matter of fact; and perhaps, where an Established church exists, they are unavoidable: Nay, it was added, that, to a certain degree, they are not quite unreasonable, inasmuch as there seems reason for making a considerable difference in the pecuniary aid to be afforded through the two bodies, and for allowing a larger fund to be distributed through the National Society. Then it was contended, that, even if the objection to intrusting private and irresponsible persons with such powers could be got over, the Dissenters would object to making any difference between the two Societies; nay, that they might even object, upon strict principle, to allowing any Parliamentary aid to schools upon the exclusive plan. It now appears, that they contend for such; and they are probably prepared, in assertion and discussion, to

maintain, that, provided some assistance is given to them, as much, or more, may be afforded to the National Society. But, can any thing be more glaringly inconsistent with their whole argument against the provisions of the bill? That argument consists of an allegation, that the Dissenters educate their own poor, and an inference that they will derive no benefit from the parish schools: but they add, that if they did wish to send their children there, difficulties would be presented by the interference of the Church, although by law no impediment is permitted; and they complain that they should be taxed for an object in which they can have no interest; and that an addition is made, by the plan, to the power of the Established Church. Does not all this apply much more to any grant of public money raised from Dissenters, among others, for the purpose of founding schools professedly intended to be shut against all but Churchmen's children? And what difference in the principle can it make, that a sum is also granted to schools upon the general plan, where Churchmen as well as Dissenters may send their children? According to the principle, which, being one of right, they contend admits of no compromise (see Dr Brown's, and most of the other Tracts), it is an act of grievous oppression for the Government to support or establish any schools, from whence, by abuses likely to happen, any class of the community may be excluded. But the proposed grants would establish schools from whence all sectaries must be shut out. It is equally oppressive, they say, to create offices which Dissenters cannot hold; but the proposed grants would, in effect, enable such offices to be established; and, *upon principle*, a grant to the other Society surely can be no alleviation to this grievance, but rather a sort of bribe for submitting to it. Then, observe how all the arguments apply to the grants which are urged against the parish schools, from the fear of interfering with private charity. The Dissenters are apprehensive, that when a parish school is established, people will be satisfied, and subscribe no more to a school for all sects. If the National Society has the means of planting schools on the exclusive system, in every place too small to support one upon each plan, there is an end at once of a school on the British and Foreign plan, even if that Society had also a grant to defray the first cost. But perhaps they mean to contend, that the evils which may be occasioned by supporting the exclusive system, will be counteracted by the good likely to arise from a certain support given to the liberal system. To such a view, however, their whole arguments are opposed; for they loudly protest against ever deviating from their principles, or doing evil that good may come. And besides, if such a view

can be taken of the plan for granting pecuniary aid, surely it is not going too far to suggest, that some sacrifice might be made to the universally admitted benefit of teaching all the poor belonging to the Church, even allowing, for argument's sake, that the bill had no operation upon the children of Dissenters.

It must, however, be all along kept in mind, that the Plan now proposed is perfectly consistent with the grant of aid towards planting schools in populous places. The establishment of parish schools, according to the provisions of the Bill, will leave much to be done in all large and thickly peopled parishes, and Parliament is much more likely to entertain a proposition for supplying this deficiency, after the more general scheme shall have obtained its sanction. This leads us to the other deviation from the Report; but it is a deviation rather in appearance than reality. The Report referred to the Digest as likely to afford the means of arranging the details of the plan, and especially of ascertaining to what districts it should be applied. It does not state that any line should be drawn, except generally between districts, 'where the efforts of individuals can support 'the requisite number of schools,' and those 'numerous dis-'tricts where no aid from private exertions can be expected, 'and where the poor are manifestly without adequate means of 'instruction.' Now, the Bill lays down no plan inconsistent with the strictest attention to this distinction; for it leaves the discretion in a quarter likely to examine very minutely the necessity which exists, in any parish, for a school, before they order one to be planted. But it would clearly have been impossible to adopt any other plan of giving effect to the Committee's recommendation, than vesting such a discretionary power somewhere, and making the scheme general. To single out certain parishes by name, or to apply the provisions of the act to parishes of a certain population, or to exclude from its operation all cities and towns above a certain size, would have been wholly absurd; because no returns can ever give such information as may suffice of itself to be the ground of a positive enactment; because a variety of circumstances may vary the application of any general rule as to size and population, in particular cases; because the circumstances of any given district may themselves change from time to time; and because the general rule as to large and small towns is open to many exceptions.

Such is the history of the measure, and so unquestionable is its origin in that Education Committee, which has been always charged with favouring over much the claims of Dissenters, and with evincing too little circumspection in treating those of the Established Church. Nor were the principles of the plan rash-

ly adopted by the Committee; for, whoever reads the evidence, will perceive that they were, as far back as May 1816, the subject of discussion and examination by witnesses. It will be equally apparent to any one who reads the whole of the evidence, both in 1816 and 1818, both that the principal apprehension entertained by the Committee was, that the friends of the Establishment would not consent to a system like the one in contemplation; and also, that the statements of many respectable persons examined justified this fear. Certain it is, that the evidence shows far more repugnance, on the part of Churchmen, to the principles laid down in favour of Dissenters, than alarm on the part of the latter at the favour shown to the Church. If we only for a moment consider what those principles are, we shall hardly wonder that it should be so.

The charge most constantly brought against the Church, in the course of the discussions respecting education which have arisen within the last twelve years, has been that of disinclination to have the poor taught. If, instead of disinclination, carelessness or indolence in the cause had been alleged, the accusation would have been better grounded as far as regarded the general body of the Church, both lay and clerical, and as far as regarded the beginning of the period to which we are referring. That some leading persons in the Hierarchy were averse to education, cannot be doubted; but, upon the whole, there was rather a want of diligence than of good will, until the great exertions of the Dissenters stirred up a corresponding spirit in the Church; and, since that time, the accusation has assumed a different form. We will not allude to the imputations brought against the National Society, and those who act upon its principles, that, being in reality averse to the education of the poor, they were taking the work into their own hands in order to mar it; because we believe the day is long past since this suspicion has been seriously entertained in any quarter. But the tendency of the exclusive principle adopted by the Society, was said to be injurious to the cause, whatever the intentions of its advocates might be; and they were accused of proceeding upon a plan so illiberal, that more harm than good might be done by it, inasmuch as the funds, which otherwise would have sufficed to educate the whole of the poor, were now directed to the education of Churchmen's children alone. To a certain extent, we have always admitted the force of this argument; but the proposition has these obvious limits, which are recognised by the Report of the Committee in 1818, and respecting which, witnesses belonging to the Church, and to various sects, both in 1816 and 1818, were examined. If any place is sufficiently large, and contains a

sufficient number of charitable persons, to support two schools, no injury is likely to arise from one of these being upon the plan of the National Society; because the children excluded from it can be taught at the other, which is assumed to be upon the plan of the British and Foreign Society. But where only one school can be maintained in any place, if that shall be upon the Exclusive plan, it follows that there will be no means of educating the Dissenting poor. That the Exclusive principle is objectionable within these limits, then, we think very clear; and we have also been uniformly of opinion, that there is no necessary connexion between teaching the poor to read, write, and cipher at a day-school, and teaching them the elements of religion. These may be taught on Sundays, or at separate hours; and, though it is highly desirable that children who have no great prospect of learning them from their parents, should learn them at school; yet, if the teaching them generally to all scholars is inconsistent with keeping the doors of the school open to all sects, it seems far better that they should attend Sunday schools, or that some arrangement should be made for setting apart a portion of some week-day, when the school may only be attended by Churchmen's children. So thought the Dissenters generally; and this is the very point upon which they and the National Society differed. The controversy was long, and strenuously maintained. The principle was nearly the same with that of the Bible Society. They who maintained that it was improper for Churchmen to unite with sectaries in distributing the Bible, held it irregular to join them in educating the poor; they who contended that it was unsafe, and inconsistent with a due regard to their own tenets, to distribute the mere text of the Scriptures without any note or comment, held that it was dangerous, or, at least, unprofitable to the poor, and a dereliction of their duty towards their own creed, to educate their children without teaching them that creed. While the advocates of universal instruction most consistently argued, that, if the poor are taught to read, the instrument of acquiring religious, as well as temporal knowledge, is given them; that, by using it, they may be instructed in the doctrines of the Church or the Dissenters, in schools for teaching religion, at the pleasure of their parents, and may, when of riper years, decide for themselves between the conflicting doctrines; and that, in like manner, if the Bible is put into their hands by one act of charity, without regard to differences of opinion respecting its construction, those differences may be explained by some other act of charity, with which the former in nowise interferes. Now, suppose that, while this controversy was carried on, any one had proposed the adoption,

by the National Society, of the plan which the Education Committee recommends—that in their schools neither Liturgy should be read, nor Catechism taught, nor attendance at church required; that Society might well have said, that they were called upon to relinquish the very fundamental principle of their constitution; but surely the British and Foreign Society would have considered it as the adoption of their distinguishing and characteristic principle in its fullest extent. The former body might have been expected to cry out against excluding religious instruction from their seminaries; but the latter must have admitted, that the proposed change converted the National schools into schools for all, and left no difference between them and their own. What else, in effect, is the fundamental arrangement of the Education Bill? It differs from this only inasmuch as it favours the principle of combining religious instruction with the elements of ordinary learning, by allowing the children which belong to Churchmen the liberty of learning the Catechism, and attending the Parish church. It is thus made to accord with the doctrines of the National Society, by securing a religious education to the children whose parents have no objection to the doctrines and discipline of the Establishment; but it is kept as purely universal, as free from all compulsion or exclusion, as if it emanated directly from the British and Foreign Society. A school established according to the Bill would, practically speaking, be a school upon the plan of that Society; and the exclusion of Catechism and Liturgy, and the freedom with respect to attendance upon church, would be a distinct recognition, in principle, of the soundness of the Society's fundamental doctrine. Surely it is a little singular that the supporters of the Society, and Dissenters generally, should wholly overlook this; should view it as no concession; and treat the measure exactly as if it embodied, not their principles, but the exclusive principles of their adversaries.

We shall, indeed, be told, that the reason now given for the Dissenters favouring the plan, should secure to it the opposition of the Church, or, at least, of those who favour the principles of the National Society. And, in truth, we think there is some danger of a resistance from that quarter. We cannot help fancying, that if the Dissenters had not come forward, some other persons would; of which a specimen was indeed afforded at the earlier stage of the discussion. Nay, we still conceive that the Bill is much more likely to be lost at first, and its success deferred to a future period, from the provisions in favour of the Sects, than from those which are deemed advantageous to the Church. Nevertheless, we are of opinion that those provisions

are so plainly founded in justice and sound policy, and so carefully united with others, which, while they leave Dissenters perfectly untouched, reconcile the plan to the principles of the National Society, that we are willing to indulge a hope of seeing the opposition from this quarter also removed. If it be deemed necessary to combine religious with ordinary instruction, the parish schools are open a portion of the week for that purpose, and may also be used as Sunday schools, for the still farther promotion of the same views; but Dissenting parents are at liberty to withdraw their children at those times. Thus, while the schools are, in the strictest sense schools for all, upon the very plan of the British and Foreign Society—because there is nothing to exclude any sect—they are also, in a great degree, schools upon the principle of the National Society, because they afford the opportunity, to such as desire it, of a religious education according to the doctrines of the Church. And we may add, that there appears evidence of a tendency in the National Society to modify their principle, so as to make it no longer operate exclusively. The following passage, in the Report of the Education Committee, refers to this increasing liberality, and affords a pleasing earnest of the prospect being realized which we have stated above, and of the Society's opposition being less likely now to frustrate the objects of the Bill than it would have been some years ago. 'Your Committee have the 'greatest satisfaction in observing, that, in many schools where 'the National system is adopted, an increasing degree of liberality prevails, and that the Church Catechism is only taught, 'and attendance at the established place of public worship only 'required of those whose parents belong to the Establishment; 'due assurance being obtained that the children of sectaries 'shall learn the principles, and attend the ordinances of religion according to the doctrines and forms to which their families are attached.' (*Report*, 1818, p. 56). If, in schools supported by voluntary contributions, and, in all likelihood, only by the contributions of Churchmen, so great a relaxation of the exclusive principle has been allowed for the sake of opening the seminaries to all sects, surely we may expect, that, where the schools are to be maintained by a compulsory contribution from all sects, the claims of right and justice will be admitted, and every thing avoided which may prevent those from benefiting by the system who pay for its support. No doubt there will be much prejudice to encounter, and many zealous and powerful persons will vehemently condemn a National establishment for education, which has not a daily ritual from the Liturgy of the Church, But the legislator must regard what is just and sound in itself,

when attempting to found a permanent system; and if he proceeds upon that principle, he may be assured that a temporary defeat is all he has to dread. If his measures are such as ought to satisfy all the various conflicting parties, although, in the beginning, they may give contentment to none, sooner or later they will be estimated as they deserve; and he will have rendered a far more precious service to the community, than if, by siding with one party alone, he had obtained its full support, and carried a scheme immediately, which, for the very reasons that made it so acceptable to some, was oppressive to others, and imperfect or noxious in its general operation.

Having referred to the former stages of the controversy respecting the two Societies, we may, before leaving this part of the subject, mention the attempt which is made in some of the Tracts now before us, to ground the opposition to this Bill upon arguments maintained in this Journal some years ago, against Dr Bell and his supporters. We certainly did most strongly express our dissent from those who 'did not scruple to insi-'nuate, that the instruction of youth should be committed to 'the parochial clergy, and that schoolmasters should be licens-'ed by the bishop.' (*Ed. Rev. Vol. XVI. p.* 86.) We denied that, by the law of the land, schoolmasters, as was ignorantly asserted, required to be licensed; and we deprecated such a law as it was proposed to enact, because it would have been a repeal of the most valuable parts of the Toleration Acts. The arguments then used by us are most thoughtlessly and ignorantly brought forward now, as inconsistent with our approbation of the Education Bill. Can any thing be more obvious than the difference in all but the sound of a word or two? The persons whom we were combating ten years ago, actually proposed that no school should be kept without license from the Bishop; and said that was already the law. The law was, and is, no such thing. The decisions of the Court of Chancery have restricted the license required by the old statutes to Grammar schools; and Dissenters are expressly exempted from the operation of these statutes in this respect. To prohibit any person from keeping a private school without a license, and to impose certain checks upon the choice of masters, in schools founded by publick authority, and supported at the publick expense, are the things thus confounded together by this ingenious disputant. He might as well contend, that, because we should deem it the height of tyranny to force all Dissenters either to shut up their chapels, or read the Liturgy in them, therefore we must object to applying the provisions of the Act of Uniformity to the new churches erected under the late vote of Parliament. This re-

ference to the opinions broached early in the controversy, is not, however, without its use. We may see in it a remarkable instance of the increased liberality of the contending parties. Instead of throwing impediments in the way of universal education, excluding Dissenters from Church schools, and even proposing to check the progress of schools not under the controul of the Church by a positive statute; we now find the schools under the patronage of the Church thrown open in many instances to the poor of all sects, and a question raised, whether new schools shall not be erected by authority of Parliament, in which the law may recognise the principle of prohibiting whatever hinders Dissenters from taking advantage of them.

An objection of rather a refining or captious nature, is taken by some of the disputants upon this important branch of the subject. They say that Jews are excluded, and also Roman Catholics;—Jews, because the exemption from attending the Church is given to those who frequent some other place of *Christian* worship; and Catholics, because the Bible is taught in a Protestant version. We presume there can be no harm whatever in making the exemption general, by leaving out *Christian*, as undoubtedly a child, attending the Synagogue with his parents, should be a sufficient excuse for non-attendance at church. But we question if many Jewish children are likely to attend any schools taught by Christians; and we presume that a few instances, to be found in those of the two Societies, offer no great reason in favour of a contrary opinion; for if there are six in the British and Foreign Society's school, (*Report* 1816, *p.* 182.), there are seven in the National School, (*Ib. p.* 83.); and therefore we may infer, that they are children of parents who are only nominally Jews. At any rate, the religious instruction given, and attendance on church required of the latter, would operate a more effectual exclusion to a strict Jew, than the attendance objected to in the Bill. As for Catholics, the evidence seems to show, that though, when publickly interrogated, the bishops and priests must, according to the doctrine as well as discipline of their church, object to the use of a Protestant version, and indeed even to the using their own version as a common school book; yet they are not disposed to throw impediments in the way of children attending schools where only the Scriptures are taught, provided no Catechism is used, and attendance at church is dispensed with. But, at any rate, the difficulty is no greater as to the proposed parish schools, than as to those of the British and Foreign Society; for there the Bible is taught, and, of course, from the Protestant version.

We may therefore conclude, that as far as a positive enact-

ment can make schools open to all sects, those under the Bill will be of this description. It is then objected, that the strict prohibitions of the act will be disregarded, and that, in practice, Dissenters will be excluded. But how? There surely can be no risk of a master being urged by the parson, under instigation of the bishop, (for that is the combination always assumed as probable), to violate the express words of the statute, and either read the prayers in the Liturgy, or teach the Catechism daily, or force the Dissenter's child to attend him to church. But he may 'punish, rebuke, or otherwise chastise or molest 'him for not attending:'—although the words of the act most strongly forbid him to do so, 'in any manner of way;' and, in all probability, specifick penalties will be superadded for the violation of this proviso. Suppose he were to do so—would the Dissenter never hear that his child had been maltreated? Much is said of the tendency of Churchmen to oppress. We trust it is far less strong now than formerly; and that it is daily giving way to more kindly and liberal feelings. But happily there is an equal and opposite tendency at work, and that is the tendency of the Dissenters to resist oppression; a tendency which, we hope to God, never will diminish, or only give way when they are placed in all respects upon an equal footing with their fellow-subjects, as is their right. Are there really very many parishes (to put the thing practically) in which the parson would be gratified by the master thus abusing his trust, to the annoyance of sectaries? Are there a considerable number where he would turn a deaf ear to the complaints of the parent? Are there any where he would suffer such gross misconduct in the master to be repeated, without mentioning it in the returns to the Diocesan, which he is required yearly to make? And here we are supposing, that the molestation is of a kind which cannot easily be made the subject of legal proceedings; for if it can, either an indictment under the provisions as they now stand, or a prosecution for the penalties expected to be added, will take away all necessity for relying upon the Parson and the Diocesan.

But, it is said, the parent may be a poor man, and not dare to complain. He may dread the loss of custom or employment; he may be without means of obtaining redress; he may be kept in awe by authority. Surely this is not the age in which such things are likely to happen. The more wealthy and powerful members of the sect always most laudably lend their aid to their poorer and weaker brethren. The disposition to resist all oppression, or to expose abuses, which exists among Dissenters so generally, which does them so much honour, and

is of such incalculable advantage to the cause of liberty, both civil and religious, unites them as it were in one body to redress grievances, whatever shades of difference may separate them in matters of faith. Nor must it be forgotten, that, in these days, so much liberality prevails among Churchmen as renders the fears we are now considering very chimerical. Those fears are founded upon the assumption, that a far more active love of the Establishment, and a much greater desire to proselytize in its behalf, exists, than there is any reason to apprehend. Suppose the schoolmaster, though chosen by the inhabitants at large, is imbued with such a spirit; that his ecclesiastical superintendants encourage it, and protect him in the illegal manifestation of it; are there not many Church-of-England men in every parish, who would set their faces against such things almost as strenuously as the Dissenters themselves? We believe the number of persons is by no means considerable any where, who, at this time of day, would stand by and see a poor man oppressed on account of his going to a chapel or meeting-house.

No doubt, we are told of positive acts of ill usage by Churchmen, principally persons in some office, as church-wardens and overseers of the poor, or persons having some patronage either as at the head of schools or other charities. Now, we shall give the statement of these in one of the tracts before us, in order to let it have its full effect, and at the same time to show the whole of the case upon this part of the question.

'That measure is essentially bad which places the interests of the poor in opposition to their duties. It is of the highest importance that even the humblest of our fellow-creatures should be encouraged to form and cherish his own religious convictions, and profess them openly, without fear of molestation; and surely that conduct is nothing short of absolute persecution that would impose obstructions, in any shape, to the free enjoyment of this inalienable right. The sufferings of the poor are sufficiently severe, without depriving them of those consolations which flow from the uninterrupted exercise of religious profession. Numerous are the hardships, even in this land of liberty, and in the nineteenth century, which the poor, in country villages, frequently endure for conscience sake. A Dissenting meeting house, or school, upon the British or Sunday School system, is perhaps established. The pious labourer is conscientiously desirous of attending the worship of the one, and of sending his children for instruction to the other. In doing so, he incurs the displeasure of his clergyman, whose intimacy perhaps with the wealthy of the neighbourhood renders his power more formidable. Their countenance is withdrawn,—his employment is endangered, and sometimes lost.—Parochial relief, should he require it, is with difficulty obtained, or altogether withheld.—From participation in village charities, his

family is excluded; and all these injuries he sustains, because, acting as an honest man, he obeys the dictates of religious conviction. Cases of this kind frequently occur in every county, and some have taken place within the writer's own knowledge. In a populous parish in London, an attempt was lately made to withold parochial relief from a family, because the children attended the British, and not the National School; and in a large village near the Metropolis, *where the clergyman is the magistrate*, the poor have been threatened with similar privations for this offence. Not long since, several boys were actually dismissed from a National School, because the parents, after taking them to attend the regular worship of the Established Church on the Sunday, sent their children in the evening to a Dissenting meeting-house. In the immediate vicinity of town, a subscription was not long since raised for supplying bread to the necessitous families resident in the village; and, on the suggestion of the Rector, the parents, whose children attended the Dissenting meeting and Sunday School, were to be excluded from the benefit. The proposal, having been made in an opulent village, the residence of persons of several religious denominations, was overruled; but, had the circumstance occurred in an obscure place, there is little doubt but that its injustice must have been endured.' *Observations, &c.* pp. 18, 19.

To this we must subjoin what William Allen states in his evidence before the Committee in 1818. When asked whether the parish officers, or others connected with the Establishment, made any efforts in favour of National schools, and to thwart those upon the British and Foreign plan?—he answers, 'I am 'in the habit of receiving letters on the subject of school con- 'cerns from all parts of the country, and I have been informed, 'in two instances at least, that the church-wardens or other 'parish officers have threatened the parents of children who 'were in the practice of sending them to the British and Fo- 'reign schools, with pecuniary consequences relative to their 'parish allowance, if they did not withdraw their children, and 'send them to the National schools.' (p. 64.)

The first remark which strikes any one who reads these statements is, that the extremely small number of instances tends to disprove the proposition which they are adduced to support. The period to which the account applies, is that during which the controversy raged most fiercely between the two rival Societies. Of late years, the spirit of contention has greatly subsided. If there was any man likely to have heard of such abuses as are complained of, it was W. Allen, whose connexion with the British and Foreign Society was known, and who says that his correspondence on school matters reached over the whole country. Yet he only had been informed of two instances. The author of the '*Observations*' mentions four instan-

ces; but two, by his own account, appear to have been attempts which failed;—one of them, he admits, from the cause of justice and liberty prevailing among the inhabitants; the other, probably, from a similar feeling either being exhibited or apprehended in some other quarter. We trust it is unnecessary for us to express the sense which we entertain of the conduct here in question; we only regret that the names of the parties are not given, for the sake of exposing them to the most publick reprobation. But have we a right, from such instances, to infer, that a similar spirit of injustice and the grossest illiberality generally prevails? If it does, woeful is the condition of the poor sectary, whether parish schools be erected or not; and, moreover, we cannot easily discern how their establishment can render that condition worse. The principal feeling in the minds of the zealous and proselytizing Churchmen, whom the argument supposed to be everywhere scattered over the country, must of course be dislike of the poor frequenting the sectarian chapels. Then let us ask, how often it happens that a village shopkeeper, or a labourer, is left by a customer, or turned off by an employer for this cause? If men do not act with a view to the church, where they lawfully might aid it by their influence, are they very likely to break the enactments of a positive law for the gratification of such a feeling? How is a poor labourer the more in his employer's power, for sending his child to the parish school? And if it is said that the master will make a difference between the children of Churchmen and Dissenters, we may ask whether this has ever been complained of in those National schools where full liberty has been given to the children to attend or not all the religious branches of the tuition? Has the master no interest in treating all his scholars well? Assuredly he has; for part of his livelihood depends on them. How is he under the power of the parson? Every provision of the Bill is so devised as to make him independent of him, with the single exception of the approbation of an usher. In all other respects, the parson can only exercise any direct authority during a vacancy in the master's office. The whole of his emoluments he has during his incumbency; and even the hours of teaching and times of vacation are fixed for the same period. But, it is said, the parson may make complaints to the bishop, who will listen to him rather than the master; and thus the latter is in the parson's power. These are vague generalities; let us come to the point. The question is, whether a master will maltreat the children of Dissenters, upon whom he depends in part for his livelihood? If he conducts himself well in other respects, can he dread the parson's complaints? If he is wanting in other particulars, is

it supposable that the parson will connive at his faults or deficiencies, because he adds to them that of disobeying the commands of the law, and showing dislike of the Dissenters' children? Will a master be very likely to prefer the certainty of losing scholars, and with them income, by his improper conduct, for the chance of thereby gaining such favour with the parson as shall enable him with impunity to commit some fault, perhaps still greater? Let it be remembered, too, how many parsons must join in this conspiracy against the provisions of the law, before it can be safe for them or effectual for its purpose. The parson is not the only person who may inform the Diocesan of abuse or neglect in the master. Any one who knows it may give the information; and unless a poor man conceals the maltreatment of his children from all his friends and neighbours, his fear of giving offence may in vain prevent him from complaining directly; the grievance will be known; and the probability is, that it will reach the ears of some one who will inform the Bishop. If instances of the same abuse are frequent in any school, this probability is changed into a certainty; unless we suppose all the parish to be leagued with the parson in suppressing the matter. Then, if the Bishop is acquainted with what has been going on, and does not interfere, it can only be that he relies on the Parson, instead of trusting to his own inquiries, or those of his Dean, Chancellor, or Archdeacon, which is contrary to his duty as prescribed by the act. If, on the other hand, he inquires and finds a complaint made, which he improperly dismisses, according to the principles of the Bill, with respect to removing the master, it will be very easy to give an appeal to the Metropolitan, who must also be in the same league with the parson and master, before he can turn a deaf ear to a fair representation. So if the Bishop visits, by one of the great ecclesiastical officers of his diocese, there may be an appeal to himself; and he, as well as the officer, must concur in the supposed plot to maltreat Dissenters' children. The words of the Bill empowering the Diocesan to visit, would, beyond all doubt, be construed to require a visitation in case a serious complaint were laid before him; but it may be as well to specify more distinctly the right of any individual in the parish to inform the Diocesan of abuses. It is almost needless to add, that, in a matter of this kind, the only way of preventing abuses must always be by entrusting some persons with the power of controul and correction; and the more persons are required to concur, before a complaint can be passed over and the evil protected, the greater is the security against its continuance.

We are thus led to the question of Visitation generally. And here a very great fallacy is committed by those who contend that the plan errs in confiding the visitation power to those who have abused or neglected it already. It is said, that all the cases of charity abuses, where there have been special visitors, are so many proofs how unfit the Clergy are to be intrusted with such authority; or rather, as some of these reasoners assert, how unfit any official visitor is to prevent abuses from springing up in charitable endowments. If the parish schools were at all in the same circumstances with the foundations referred to, the argument would be most justly applied. But the difference is obvious at the first glance. The existence of the parish school is of necessity well known; the rights of all persons in relation to it are matter of equal notoriety; the inhabitants of the parish are the electors of the master; and their children attend the school; so that they must know all that is actually passing, as well as all that ought to be done. How have abuses sprung up in old endowments? In many cases their existence was unknown, concealed, perhaps, in the prolix verbosity of some proprietor's title-deeds, or gradually extinguished, through a long course of negligent management. But the more ordinary instance, is that of no one knowing the particulars of the foundation. What probability would there have been of the poor being long excluded from the benefits of such charities, if every inhabitant of the district interested in them, and their neighbours in all the adjoining districts, had known the whole provisions of the foundation? How much less likely still would such an exclusion have been, if those provisions had, in all respects, been the same in every charity throughout the country? In discussing the remedy proposed by Mr Parry for such abuses, and comparing it with that afforded by the appointment of the Charity Commission, we showed, at length, that the great *desideratum* always must be, the making completely public the rights of parties under any endowment; so that all may know and have access to the documents which set forth what ought to be done in each instance. The rest is of much easier attainment; because the particulars of what is done or omitted in each case must needs be known by the whole neighbourhood. (See *Ed. Rev.* vol. xxxiii. p. 117, *et seqq.*) But it is evident that no plan can ever completely secure the entire publicity of all the regulations in each of the numberless charities, varying, as they do, in every particular instance. An approximation to this is all that can be expected; and in proportion as it comes near the point aimed at, will the chances of abuse be diminished. Now, in the case of parish schools, there is no approxima-

tion; the point is completely attained. Two Acts of Parliament, alike applicable to every such establishment, lay down all the rights and all the duties of every party. No man can be ignorant what the master ought to do, what he himself has a right to, and whose business it is to see the duty performed and the right enforced. Nor let it be forgotten, that in some of the worst cases of charity abuses, the distance of the visitors may have contributed greatly to their negligence. When the heads of a college at Cambridge have the superintendence of a school in a remote part of Yorkshire, with which they have no other connexion whatever, there is far greater likelihood of a careless visitation, than when that school is subject to the regular inspection of the Bishop, who knows that he has the duty of superintending it in common with every other in his diocese.

But let us here again come to the point, and ask what resemblance there is practically between the two cases. The common abuse in old foundations is, that either the trustees intercept their benefits, to the exclusion of those who were the objects of the founder's bounty, or that the master does not teach those whom he ought. Can any such thing happen in parish schools? No one will pretend that the parish officers are likely to raise the money without paying it over to the master; but what possibility is there of his making his place a sinecure? His interest is against it; for his income depends, in part, upon the number of his scholars. Every man in the parish knows that he has a right to send his child to the school; and, of all things, we may surely pronounce a direct refusal to admit any child the most impossible. Neglect, or cruelty, or dissolute conduct, are, then, the only things that can deprive the parish of the intended benefit; and surely it is not presuming too favourably of the parochial clergy, to feel confident, that if, through their mistake, a man of this character should have become master, they will feel anxious to have his conduct investigated by the visitor, for the purpose of removing him. Practically speaking, is there, under these circumstances, any chance that instances will occur at all of a parson conniving at a thing so grossly offensive to his whole parish, as the continuance of a master unworthy or unfit to teach the school? But suppose such connivance, what probability is there of the Bishop authorizing so great a scandal, and what possibility of its not soon reaching his ears, if it exists? Besides, it ought never to be forgotten, that the election of the master by the inhabitants affords an additional security against abuse. It is true, that the *veto* of the parson gives him a voice in the choice; but no one can seriously believe that, in practice, such a combined election

will ever end in the parson naming whom he pleases. The result will always be a compromise, and the choice of some one not disapproved of by either party. If, instead of the *veto* being lodged with the parson, some other method were adopted of checking the nomination of the inhabitants, as by a license from the diocesan being required, or from the Justices at Sessions (both of which have been proposed), the license being obtained previous to the person becoming candidate for the office, the choice of the inhabitants would be more direct, and a greater confidence given to them in the master, whether he might be more deserving of it or not. But in whatever way they are allowed to share in the election, a certain check is afforded to the abuses apprehended.

Those who object to the ecclesiastical visitation proposed by the Bill, must have something to recommend in its place; and those who reject the *veto* of the parson, must also show how the choice of the inhabitants is to be controlled. It will not do to say, in general terms, that the private persons acting in Committees are bound to chuse and superintend the masters whom they wish to place at the head of their schools, and that abuses are most effectually prevented by such an open system of volunteer agency. The misfortune is, that the agents are wanting in the cases to which the new system is chiefly applicable. The wealthy and enlightened persons who manage charity schools in cities and large towns, can easily exercise the functions in question; and they often do so with success. But that many abuses and much negligence creep in, even under such excellent management, no man can doubt who has read the Report of 1816. The evidence is full of instances, both of interested jobs being done by Committees of subscribers, and of extravagant and unadvised plans being adopted, and obstinately persisted in, notwithstanding all the arguments that can be used to induce a reformation. Such things are not easily to be found, indeed, in the seminaries upon the new plan, nor generally in charities of recent date; and perhaps the Dissenters may commonly appear to excel in activity, strictness, and economical management; although nothing can surpass the good arrangement of some great schools upon the National plan. But how many years are such Committees likely to continue in their present fulness and vigour? The thing is new at present; and even already, we fear, there are symptoms of languor. But in ten years hence, the difficulty of obtaining every where a due supply of working committees will be prodigious. Nay, at the present moment, how can any one expect to find materials for those bodies in country parishes? It seems quite manifest, that if the inhabit-

ants were to chuse the master without any check, they would frequently, in such districts, be induced to elect most improper persons, sometimes from ignorance, sometimes from the effects of canvassing. It is equally clear, that, to give the superintendence of the master's conduct to a committee of those inhabitants, would often be quite fatal to the school, and would, in scarcely any case, be an advisable plan. But, as this mode of visitation has been chiefly insisted on as the best, we shall state shortly the objections to it.

The constant elections of a committee would be very inconvenient. The parish would be split into parties; and especially if they had disagreed in the choice of the master; for then the committee would consist either of all those who had prevailed at the election, which would not give general satisfaction, would cause the rest of the inhabitants to believe the school ill managed, and would consequently destroy their confidence in the master;—or it would consist of two parties, one generally leaning towards the master, and the other prejudiced against him—a most unfit instrument of controul, or superintendence, or even fair investigation—a body very little likely to exercise its functions with calmness or propriety—and very ill calculated to insure respect from the master, or carry the confidence of the inhabitants at large.—Then nothing can be imagined more unadvisable, than that the parents of the scholars should exercise this controul over the master, both for the sake of the master and the school. Towards the master this arrangement is most unfair, because it exposes him to all the effects of the children's complaints, and the parents' caprice or mistaken tenderness. To the school it must prove extremely injurious, because no one can doubt that a master will, with the best intentions, feel it very difficult to treat, in the same manner with his other scholars, the children of those Committeemen by whose authority he may be dismissed. Besides, the tenure of the office would become too insecure, were it to depend on the majority of votes in such a body. Parties would be formed to oust the master. He must attend to his place as well as to his duty, and conciliate the voters as well as teach their children; and as his continuance in office may depend more upon maintaining the good will of the majority, than upon equally performing its functions in the way which ought to satisfy all, there can be no difficulty in foreseeing how his efforts will be distributed. Not to mention, that a place held in such uncertainty will not call forth candidates of a very good description. And if any one should assert that these consequences do not fetter the superintendence of Charity schools, supported by subscription, we make answer,

that it is very much because they are supported by subscription. In many instances, however, the fact is otherwise; and in country parishes, we believe, even subscription schools would be very generally exposed to the evils we have been describing. That Committees, both in town and country parishes, would act as we apprehend, when they were managing, not their own but the publick seminary, who can doubt? No spirit of party ever can be carried far in a mere voluntary association, where each person feels the good of the concern almost singly, and would withdraw the moment he greatly differed from his fellows.

There is one point of view in which the consequences of superintendence by a Committee deserve further to be regarded, because it throws great light upon the former part of the question, touching the probable maltreatment of Dissenters children. The Committee, in almost every case, must be composed of Churchmen, at least according to the argument used against the Bill; for it always assumes, that men are to be actuated by their feelings as Churchmen or Dissenters; and it is very rare indeed, to find a majority of the latter among the inhabitants of a parish. But even if some of both classes should be chosen upon the Committee, the greater number will be Churchmen; and, from their prejudices, the same consequences may be expected to follow, as from those of the parson; with this difference, that a spirit of religious dissension will be fostered, and a party will be created and kept alive, which will be far more likely to act oppressively and vexatiously, because the discord will have sharpened their animosity, and the members, acting together, will keep each other in countenance. He must know little of mankind, and have seen nothing of their conduct in parties united either by civil, or still more by religious ties, who would not far rather trust the moderation of a single person, acting in the eye of the public on his own individual responsibility, than that of a majority in a Committee so formed. That more liberality should be found in such Committees formed in great towns, is very possible; but we are principally speaking of country parishes, and small towns; for the opposite argument admits, that abuses on the part of the minister and master are far less likely to happen in a very populous neighbourhood. Thus, they who deny the propriety of vesting any discretion in the clergy, for fear of its being abused to the prejudice of Nonconformists, will find, wherever this discretion is lodged, the same, or a greater risk of its being abused. The evil, if it exists at all, is not in the arrangements of the Bill, but in the animosities of contending sects. As long as there are religious differences, and as long as men fall short in liberality and in chari-

ty, the mischiefs apprehended may be expected to ensue from any scheme which shall invest one of the conflicting parties with authority. Nor is this remark applicable to the visitatorial power alone. The master may be either a Churchman or a Dissenter, according to any plan that can be devised; and whether he is superintended by Churchmen or Dissenters, or by a mixture of both, if he has children under his care of the persuasion different from his own, he may be expected to show a difference in his treatment of them, by those whose arguments we are examining; for they assume, that men will always act according to the feelings of the religious sect to which they belong. So, in electing the master, if he were not required to be a Churchman, it must be presumed that the majority being, in almost all cases, of the Established Church, they would prefer a candidate of their own persuasion. This circumstance seems to lie at the very root of the whole question, as far as regards the peculiar objections of the Dissenters. Those are rather pointed at the unavoidable consequences of diversity in religious opinions, than at the particular provisions of the Bill. It may admit of a doubt indeed, whether, in a community so circumstanced, any plan can be free from serious objection, which proposes to instruct the children of all sects in common. But we would fain indulge the hope, that the increased liberality of the age,—the extraordinary desire of education which pervades all classes,—and the friendly disposition towards teaching the poor which prevails among their richer neighbours, may render it possible to overcome this difficulty, the existence of which cannot be denied, but which must lessen daily, as knowledge dispels prejudice, and makes bigotry and rancour give way to charity and mutual forbearance.

We come now to the more general topics which have been broached against the plan; and these are of two descriptions. The Dissenters object to the increase which it will give to the power of the Church, and the stigma which it affixes upon all Nonconformists. They also urge the danger of its injuring the means of education, by voluntary exertions of individuals; and maintain, that there is no occasion for any interference of the State at all. The former argument is peculiar to Nonconformists; the latter, though it affects them most, is yet not confined to their case. Having treated at large of both in our former Article (See Ed. Rev. Vol. XXXIV. p. 214.), the remarks which we are now about to add must be considered as supplementary, and designed rather to meet the new views which have of late been taken by the adversaries of the measure.

I. It does not seem very easy to understand how any consi-

derable accession of power can be gained by the Church, if the measure is adopted. No child being taught the doctrines of the Establishment in the proposed schools, nor any inducement whatever held out to them to leave the sects of their parents, in what way can the scheme be a proselytizing one? But when was the Church of England ever accused of too great zeal and activity in making converts? Then, as to patronage, the inhabitants share it—nay, have it much more directly than the parson. To say that he may reject every candidate offered until the man of his choice is presented for his approbation, is nugatory. The parish can never be forced to chuse a man they object to; and it would be just as fair to contend that the parson has no *veto*, as that the electors have no choice; because they may refuse obstinately to pitch upon any other than one man, just as he may persist in rejecting all but one. Wherever a check of this kind is given, each party may prevent any thing from being done at all; so, here, either party may keep the place of master vacant, and neither can force a candidate upon the other. If, however, both act fairly, and with a view to the performance of the duty cast on them; or if both feel it for the common interest that the school should go on, a compromise will take place, and a fit person will be chosen, though not perhaps the one either party might have preferred. But we are now speaking of patronage; and who can fancy that such a share as this in the election, is at all equivalent to a nomination by the parson? His direct power over the master once chosen, is next to nothing; he has only that of saying, whether an usher shall be allowed him or not, the usher to be paid by the master himself; and as no master can have the least interest in employing an usher, except when the great numbers attending his school renders it necessary, it is difficult to suppose a case in which such an application could be refused. If, in either this particular, or the power of recommending free scholars, or in any other matter which brings the parson into conflict either with the master or the parish, it should be thought likely that an abuse of his discretion may be committed, a controul might be given to the Diocesan, by allowing an appeal. It is not denied that the Church, the Ecclesiastical Establishment, as such, is to be invested with a certain authority in the system of parish schools. But when the whole amount of the power is so trifling, and when we consider that a superintendence must be lodged somewhere, and when no one has suggested any other mode so little exceptionable, there seems no reason for rejecting this part of the plan, even if we placed out of view the great advantage which must be gained to the cause of liberal opinion and independence, and the consequent check

to ecclesiastical domination wheresoever it may be unduly exercised, by the immediate result of the scheme, the improvement in knowledge of the whole people.

The view which has been taken of the Bill, as subjecting Nonconformists to a stigma, requires, we think, a much more serious consideration. It seems difficult to connect the system with the Establishment, and yet to admit Dissenters as masters; nevertheless, there appears to be no absolute necessity for their exclusion; and, unquestionably, if they feel this to be a degradation, it is absurd to argue that it is not, and that it cannot be intended as such, any more than the grant of money to build new churches degrades all sects to whom both the doors of those churches and of their pulpits must of necessity be shut. And here the dispute is almost nominal; for there would be little chance of a conscientious Dissenter, though he were made eligible by law, offering himself as a candidate for a place which obliged him to attend the worship of the Church, and to teach the Catechism. And no one can propose the adoption of a plan of national education which shall be wholly kept apart from all ecclesiastical observances. It is, however, not impossible that some modifications may be devised of this branch of the plan, with a view, perhaps, of relaxing it in parishes where a great proportion of the inhabitants are Nonconformists. We speak, now, rather out of tenderness towards the feelings of the Dissenters, for which we entertain the most unfeigned respect, than from any very clear idea that they ought to feel hurt at the provisions in question, or any very distinct opinion that this matter can be satisfactorily adjusted so as to give all parties contentment. We would fain hope, that those fast friends to the Education of the Poor will be found willing, upon further reflection, to regard the great equivalent held out by the plan to all who really set a high estimation upon the progress of instruction and the improvement of the people—an equivalent far more than sufficient to counterbalance a little increase of clerical power, and an exclusion from offices essentially untenable by those who belong not to the Establishment. If an office were created which had no connexion with the service of the Church, exclusion from it would be both an injury and a stigma; but when the office can hardly be separated from some connexion with that service, no Dissenter can complain of not being enabled to fill it, unless he maintains that the office ought not to be created at all.

For our own parts, we think it very clear, that the advantage of educating the bulk of the poor is such as would completely justify the Dissenters in insisting for the system, even if they

were convinced that not a single child of their own body would ever benefit by it, and that it would be wholly in the hands of the Church and Churchmen. Every man has a direct interest in the wellbeing and improvement of the whole people, whether of his own or of an opposite religious persuasion; and we are perfectly convinced that the enlightened members of the Dissenting body would rejoice in that consummation they so devoutly wish for, being brought about partly at their expense, although they were certain that it could comprehend none of their own poor. So well aware of this are the writers whose works we have been considering, that they attack the plan in another point, and deny its tendency to diffuse education at all.

II. They allege that the exertions of individuals are now making sufficient progress in the great work; that already a vast deal more instruction is provided for the poor than the Digest of Parochial Returns allows; that every where the means either exist, or are about to be furnished; and from hence they argue, both that the proposed scheme is unnecessary, and that it will check private exertions—dry up or divert the stream of individual charity—put down schools now flourishing—and prevent others from growing up. This objection, then, goes to the root of the whole measure, and of all measures founded upon the principle of a compulsory payment, for a general establishment of schools by publick authority. It is, if well grounded, fatal to every plan of this nature, although all sectarian objections were got over. Nay, it would be fatal to it, were there no diversity of religious opinions in the whole country. But we may be permitted to doubt the correctness of the statements, in point of fact, upon which it is built.

That the Digest is inaccurate in every part, some of the writers before us maintain. Dr Brown asserts roundly, that, 'in 'nine cases out of ten, the returns are grossly incorrect, and 'materially defective,' (p. 18.) Nay, he adds, that 'surely 'there is no pretence for saying, that, in *any one instance*, they 'are even probably correct,' (*ibid.*) We venture to say, that there has seldom been a more monstrous assertion engendered by the heat of controversy. That 11,000 or 12,000 respectable individuals, of a certain station in life, of good education, and ordinary prudence and circumspection, should be so rash as to make returns at random to a Committee of the House of Commons, and each signing his statement, and all of them aware at the time, or very soon after, while they might yet correct any errors, that their accounts were to be published with their names, is surely as improbable a thing as could well happen.

And yet it must be by writing at random that such errors as are imputed to the returns crept in. Dr Brown admits that no intentional misstatements are imputed to those reverend persons; he says they gave the best information they could obtain; but then they 'had not the leisure, and, if they had, 'would have wanted the authority, to make a census of the edu-'cated and uneducated of their parishioners, numbering from 'house to house.' (*ibid.*) Nor was it necessary they should. If they reported how many schools existed in their parishes, and how many children were taught, the information was sufficient; and all that was wanted besides, was a general statement of the condition of the parish in respect of knowledge and means of instruction, the result of all their observation upon their parishioners in their constant intercourse with them. That the characters of those reverend persons can escape much animadversion if these charges are well founded, is wholly impossible; for, whatever may be said of the errors being unintentional, the great proportion of the parishes being of moderate size, the resident ministers *must* know the facts to which they speak. In very large and populous parishes, it is to be expected that many omissions of schools should be found; and the opinions of the parsons upon the state of their education may not always be founded on very minute examination. Yet, even here, if they undertake to say positively, either that the means of instruction are sufficient, or that they are defective, we cannot disregard such assertions, coming from respectable men, who, had they been ignorant of the matter, were not bound to answer the questions; but might have said nothing, or avowed their ignorance, as several have done, in different parts of the country. We, therefore, even in large towns, are disposed to give much credit to the opinions of the clergy as to the state of their flocks; their returns of the exact numbers taught at schools will probably, in many cases, especially in the largest parishes, fall short of the truth; indeed they very often avow the difficulty, as in the Liverpool and Manchester returns. A considerable addition might, therefore, be made to the totals of children educated, were it not rendered unnecessary by the great increase of population since 1811, the period to which the column of population refers. If allowance be made for that increase, in all likelihood the deficiency in the means of education will be found still greater than it now appears to be, even after all the corrections that can fairly be made for omissions in the larger and more populous districts: But in parishes of a moderate size, and in all the country ones, without exception, it is clear that we may rely upon both the returns of numbers

given by the Tables, and the general statements and remarks contained in the Digest. Once more, let us beg that the Objectors would come to the point. A parson lives all the year round in a town of 500 or 600 inhabitants, or in a parish where there is only a hamlet or two, and a dozen of farm-houses. Can there be schools lurking there of which he knows nothing? Is there a house or building which he is not acquainted with? Are there ten housekeepers in the parish whom he does not know by sight and by name? With whom does he associate? If he only had come lately to reside, could he make his return without inquiring how the matter stood? Would he ever find the least difficulty in obtaining information which every other man he met must have at his fingers' ends? The assertion, that this reverend person's return is incorrect—that, in such circumstances, he has shut his eyes, or asserted what he did not know, when he might have ascertained the truth in an instant—cannot be made consistently with the admission that the mistake is unintentional. Now, as we cannot believe in thousands of clergymen all over the country, unconnected and without communication, uniting either in the practice of a deception, or, in what is almost as bad, a statement of that for truth which they could not know to be true, we are under the necessity of giving very implicit credit to the accuracy of all the returns under consideration. And these form a vast proportion of the whole. In the county of Devon, of about five hundred parishes, there are about three hundred which have not 600 inhabitants. And in Sussex, of about three hundred and thirty parishes, there are only about one hundred which have more than that number of inhabitants. The average of these two counties would give about five-eighths of the whole parishes and chapelries in England, as of the limited extent which we have been arguing upon. The average of Somerset and Wilts, taken in like manner, would give seven-ninths. So that the medium is somewhat above three parishes in four of the size in question. Now, it is material to observe, that it is chiefly on account of such districts that the plan is proposed. And in all these it seems perfectly impossible that the returns should be incorrect.

But is there any reason to doubt the general accuracy of the rest? If we take a few very large parishes in each county, and, from these few, deduct those where the returns bear internal marks of great attention having been bestowed in forming them, (as may be seen in every part of the Digest), we shall find the number very inconsiderable in which material omission, even in the numbers, can be suspected; fewer still in which the general

statement is likely to be fallacious. One document of a remarkable nature is already before the public, to prove the general accuracy of the returns. We mean the Report of the Charity Commissioners. In the counties which have been examined by them, and in which they have reported the foundation connected with education, the numbers agree most exactly with the number in the Digest; and it can hardly be supposed that omissions, had there been any, would have escaped the search of those active and intelligent persons. No doubt, if, at the present moment, any given county were examined with respect to its unendowed schools, the same numbers either of schools or scholars would not be found; for those establishments are in their nature far more fluctuating than the others; and it is about three years since the returns were begun to be made. In that time, it is to be hoped, that a considerable number of schools have been added, though it is certain that some also must have been given up. A material addition, however, on the whole number, is probable.

But, in judging of the state of education, and endeavouring to estimate the deficiency, we must resort to the Digest as well as the Tables. The latter show, that, in every part both of England and Wales, except the four Northern counties, there are numbers of parishes without any schools at all. In one county (Somersetshire), two parishes in five are without any day-school. In another, one parish in three. In a third, half the number of parishes. But this gives an imperfect result; for the neighbouring parishes often supply the defect. The reports in the Digest, however, show how imperfect the means of education generally are. Taking seventeen counties, the first in alphabetical order, it will be found, that, while a considerable proportion of the country parishes have no means of instruction at all, in the whole number of parishes, of all kinds, the parson complains that the means of education for the poor are deficient, in every portion of that extensive district, amounting to two-fifths by the population; in other words, that something is still wanting in that proportion of the parishes in those counties. As this includes the four Northern counties, and neither comprehends Middlesex nor Lancashire, it is quite certain that the proportion for all England would be found nearer one half. In Wales it is a great deal worse. Of between 800 and 900 returns, there are about 220 which state that the poor are in those parishes entirely destitute of the means of education, and anxious to possess them. The population of those 220 parishes is 75,000 persons. So that one parish in four of the whole principality, and a tract of country containing nearly one-eighth of the Welsh

population, appears to be utterly destitute of all means of instruction, independent of a great number of other parishes, where the means of education are very defective. In England there are many parishes in a similar predicament with those 220 of Wales, though by no means in the same proportion. And the want of schools in London has been proved in the evidence taken in 1816, by actual enumeration of the children who are uneducated.

Thus the deficiency appears to be very great by the Reports in the Digest, and by the evidence, independent of the numerical statements in the Tables. Nor can any one refuse his belief to those Reports, who has attended to the remarks already made. Who, for instance, can doubt the truth of the assertions contained in the Welsh returns, where the parsons positively affirm that their parishes are wholly without the means of instruction? Who can believe, that, in those 220 districts, the average population of which is under 350 persons, the resident officiating ministers should have been ignorant of schools existing in their immediate neighbourhood, or unacquainted with the habits of flocks so small as those under their care? But the Tables, after making every allowance for omissions, tell the same tale. To take the case of England:—We shall leave Middlesex out of view, as the returns for London may probably be more than usually deficient. It appears, that at all sorts of day-schools, except only dames' schools, 552,000 children are educated in a population of about 8,590,000, setting off the increase of population since 1811, against the omissions in the returns. In Scotland, Edinburgh excepted, there are educated at day-schools 165,000 children, in a population of about 1,650,000. So that the difference between the two countries, in this respect, is as between one-tenth and nearly one-sixteenth, or above three to two in favour of Scotland, with which result of the numerical statements the reports in the Digest agree precisely; for in the Scotch returns the complaints are much more rare of defects in the means of education.

It has, however, been alleged, that the deficiency in day-schools is supplied by Sunday schools. We have been charged with underrating the numbers there instructed; the advocates of the Bill have been taxed with underrating those excellent institutions; and the parochial returns have been especially accused of inaccuracy respecting their numbers. That those in London are considerably more numerous than they appear to be in the Tables, is admitted; but that any material omissions have been made elsewhere may be questioned, upon the same grounds on which we have maintained the general accuracy of

the returns. If it be said that Sunday schools are more in the hands of Dissenters than others, the Digest shows, in every page, that there is no reluctance in the Clergy to state the progress made by sectaries in educating the poor. We have seen the results of one investigation undertaken in the greater part of a large county, for the purpose of showing that the Parochial Returns understate the numbers of schools, and particularly Sunday schools: And it appears by those results, that the excess of the Sunday schools now established above those returned to Parliament three years ago, corresponds exactly with the number of Sunday schools stated to have been first set up in the course of the last two years and a half. Thus, too, the Resolutions against the Bill by the North London Society, already cited, while they accuse the Returns of 'not containing one 'half the children instructed in many counties,' state the total numbers of Sunday scholars throughout England at 300,000; whereas, if the authors of this accusation had read the Tables, they would have found, that the Parochial Returns make the Sunday scholars amount to 452,000. It is no doubt a matter of some difficulty to determine how many of the Sunday scholars are also day-scholars, in order that we may estimate how many are taught only at Sunday schools. In the evidence of 1816, some lights will be found to guide us. The witnesses connected with the Sunday School Union, have naturally a great partiality to that mode of instruction, and would represent the children who profit by it as almost entirely occupied in labour during the week; and state their numbers at 40,000 in 1816. In the Report of 1818, they raise them to 50,000. To suppose any thing like this number of children working in manufactories in London, seems extremely wild. Mr Pickton, however, the excellent and intelligent teacher of the Free School in the Borough Road, and who speaks from his own experience as a teacher also in Sunday schools, says, that 'a great proportion of the Sunday scholars' in general attend day-schools. (*Report*, 1816, p. 186.) Mr Fally, also a teacher of a British and Foreign School, says, that of 600 children at his day-school, 500 attend Sunday schools. (*ib.* 187.) Mr Christian, teacher of a National day-school, says, that of 540 children attending it, 300 go to a Sunday school connected with the one he teaches, and those are all that attend it. (*ib.* 285.) Mr Crawfurd, a gentleman well known to every friend of charitable institutions and enlightened principles, speaks of Sunday scholars as 'in 'general attending day schools.' (*ib.* 191.) He adds, that there is 'a considerable difference in the habits of those who attend 'Sunday schools only, to the disadvantage of the latter.' Both

he and Mr Pickton state the time taken to learn, by those children, as much longer than the gentlemen connected with the Union seem willing to allow. Mr Crawfurd makes it four years. Upon the whole, we may suppose that, in manufacturing districts, a greater proportion of children attend Sunday schools alone, than in other parts of the country. But whatever numbers we may allow, even if we were to take one-half the Sunday scholars, there would still remain a deficiency of education upon the whole; and those schools hardly are known at all in the country districts where the parish schools are principally in contemplation. They are confined to places of considerable population, as will appear evident from this, that the average number of the children attending them is about 90, and of the teachers employed about nine, or one to every ten children. Indeed this circumstance alone, and the difficulty of getting so large a number of persons to undertake this labour voluntarily, seems to place limits to the extension of the Sunday school system. But where it can be carried into practice, as in large towns, abounding in charitable and zealous persons, no words can be too strong to express the benefits it is calculated to bestow. The use of Sunday schools is, no doubt, chiefly as a substitute for the more perfect instruction, and more constant, and therefore salutary discipline, of day-schools; and they are led away by a natural, but fallacious prepossession, who think that children not employed either in work, or at school during the week, can be greatly benefited in moral habits, by the discipline of a few hours once in seven days. But they are equally mistaken, on the other hand, who esteem lightly the advantages derived by poor children from the kindly intercourse with their superiors at those weekly meetings—advantages which must improve their character, unless the rest of their time is spent in idle and dissolute habits. Perhaps, however, the greatest error of all is theirs who think, that if there were abundance of day-schools, all, or nearly all the Sunday scholars, would not frequent them—not perhaps at the age at which they now attend Sunday schools, and work during the week, but before they are old enough to gain by work.

It remains, that we should address our attention to the alarm entertained, lest a compulsory payment may discourage the efforts now making by private benevolence. The progress and the permanence of those efforts have both been overrated. The two Societies have done much; but let us not deceive ourselves, and fancy they have done all that appears in statement. In 1816, Mr Allen states, that 274 schools were in connexion with the British and Foreign Society, educating, on an average,

from 150 to 200 each. Mr Place's evidence (*Report*, 1816, p. 267.), proves clearly, that the numbers attending such schools are apt to be exaggerated: But suppose each of the 274 to have educated 200, the total may be about 54,000; and the Society had been in active operation for five years; the Committee to whom they succeeded had been labouring for three years before; and Joseph Lancaster had been active at work since 1803. It is true, that W. Allen says there were many other schools founded on the principle, and not enumerated by him; but he also admits, that few even of the 274 were founded by the Society. 'But few 'of them have any connexion with us at present; but *some of* '*them*, at their first establishment, were connected with the 'Institution.' (p. 119.) By the evidence in 1818, it appears that 'they were going on in something of a geometrical ratio'— but no particulars are given. The National Society, in 1818, claim connexion with 1009 schools, where 155,000 children are taught; but of these, they admit that 280 alone own their establishment to the Society, and those are only said to own it because they received some necessary aid in their outset. (*Report*, 1815, *p.* 10.) That this aid was sometimes very inconsiderable is plain; the evidence says as low as 20*l.*; but the account of their resources proves it still more plainly. In the seven years then elapsed, the Society had in every way only received 39,500*l.*; and their permanent income, by subscriptions, never exceeded 1500*l.*—that of the other Society only amounts to about 1200*l.* Beside the inadequacy of their funds, we must recollect, that the exertions made at the commencement of a new plan, are always far more strenuous than in its continuance; and, above all, we should never forget that the efforts of Joseph Lancaster, his progresses round the country, his lectures, his exhibitions, all his qualities more or less to be admired, were most powerful engines both for the British and Foreign system, and for that rival establishment to which it gave rise. Both the labours of Lancaster, and the emulation of the Foreign Societies, are now well nigh closed; and, unless by local exertions in the metropolis, we can hardly expect much to be done by either. Indeed their plan is admitted not to extend to places of a small or even middling size. This is expressly admitted by the witnesses from both Societies.

As to the effects of the New Plan upon local exertions, we can hardly conceive them to be prejudicial. The objectors always assume, that a Parish School is to be planted, or even two or three, everywhere, and without regard to the circumstances of each place. In a parish where there are schools already, even though there should not be quite sufficient, the Justices will

exercise their discretion, and rash applications to them are restrained by the power of awarding costs. Where some persons apprehend that an application may be made, and may succeed, from the existing want of a school; that want may be supplied, if it is deemed better that there should be no Parish School. The Dissenters, when they happen to form a considerable proportion of the inhabitants, may frequently take this course, if they continue as averse to the interference of the Clergy as they at present are. Nor is it fair to presume that the Justices will order schools to be planted (as has been insinuated), for the purpose of thwarting the views of such individuals. The expense to the parish, though very small, will yet not be rashly imposed; and we may venture to predict, that the leaning of the magistracy will generally be, to require strict proof of the want of a school before they make their order. Nor can any thing be more probable, than that their inclination will always be to refuse, where the erection of a new school would be likely to injure schools already flourishing. But in all parishes where the poor have now no resource, and in many where the addition of a good school to those already existing would teach the whole or nearly the whole, we can see no danger to private charity likely to arise from the execution of the plan. The Unendowed schools are very fluctuating in their numbers, and equally variable in their management; to-day in activity, to-morrow shut up; now under a good master, now under a bad one. * The times are unfavourable for increased, perhaps for continued efforts of charity; and so important a matter as the instruction of the people, should not be abandoned to chance. If, indeed, we were to believe (with Dr Brown), that the school rate would come to five shillings in the pound (p. 40.), we might entertain some apprehensions of its interfering with individual bounty. Such a rate supposes the rental of the parish to be only 120*l.* a year. Six thousand a year is more near the average; and that

* The difference between the numbers educated in Scotland and in England has already been referred to. The proportion of the means of education provided by fixed endowment, to those furnished by casual benevolence or by professional interest, is also much greater in Scotland. The Parochial and Endowed Schools educate considerably more than a third of the whole numbers taught in Scotland.—In England, the endowments only educate a fourth. We may add, that the Education Committee reported, in 1818 (many leading gentlemen from Scotland being upon it), that the landowners in that part of the kingdom never thought of complaining of the very moderate rate of those parish schools.

would amount to somewhere about a penny in the pound for the maintenance of a school. Would a man, making 200*l.* a year in a house and shop rated at 30*l.*, withhold his mite from a Sunday or other Charity school, because the Legislature, actuated by the same enlightened and benevolent views with himself, required half a crown of him for a Parish school? Or would the owner of an estate, rated at 3000*l.* a year, withhold his bounty, because he now had to pay twelve pounds to support a regular school in that parish, half of which belonged to him? Let us recollect, that those who give their labour and their money to schools, do so because their hearts are in the good work, and not because they feel obliged to contribute, and are watching for occasions and pretexts to give it up. * As for Dissenters, we have not a doubt that they will rather increase than diminish their exertions in consequence of the Bill; and, generally, it may be observed, that wherever there are most endowed schools, there too are to be found most seminaries established by individuals. But of all fears, the most chimerical seems to be that entertained by the excellent and useful persons who patronize Sunday Schools. Labour, and not money, is the thing wanted in those admirable seminaries. Hired teachers are universally admitted, if not to mar the work, at least not much to help it. The expense seldom exceeds, in considerable schools, sixpence or sevenpence a year for each child; and the twenty individuals whom it requires to superintend a school of two hundred, pay only about five shillings a year, even if they have no coadjutors who may subscribe without being able to teach. To imagine that the school rate of perhaps two or three shillings more will damp all their zeal, and make them surrender a task so justly dear to them, at the very moment when it is becoming doubly useful, is quite preposterous. We say doubly useful—holding it to be clear, that the more children are taught to read in any district, the more will desire to attend Sunday Schools for religious instruction.

In closing this discussion, which we have hitherto been carrying on rather with the Dissenters, may we be permitted to address ourselves to both the parties who are engaged? The temper of the times is in many respects peculiarly auspicious to the establishment of a system for diffusing universally, and fixing upon a permanent basis, the education of the people. A very general inclination prevails among all classes to see the poor

* The effects, at no distant period, of universal education in improving the poor, and diminishing the parish burthens, have been so often dwelt upon, that we need only point out this compensation, in speaking of the expenses of the plan.

instructed; and an anxiety for it, on their parts, exists more generally and more strongly than at any other period. Is it not desirable to take advantage of so favourable a moment? As the mind of an individual varies in its feelings and bent, so oftentimes does that of a people, and with still greater and more rapid transitions. While the thirst for knowledge is eager, let us open the fountain to them, and induce a habit of repairing to the purest source of virtue and happiness. But, circumstanced as we are in respect of religious differences, obstacles present themselves. How glorious would it be to see each party making efforts over their own prejudices and animosities, for the sake of so vast a good to mankind! We hardly dare to hope for such mutual concessions, and so much forbearance. We fear the proposed system must have powerful enemies in the Church, because one of its fundamental principles is, to embody the leading doctrine of the Dissenters, that schools should be kept open to all sects, by being confined to secular teaching. We know that, among the Dissenters, another of its principles creates discontent and alarm—it is essentially connected with the Church Establishment. Possibly, in further arranging the details, some modifications may be devised which shall diminish the disinclination at present felt towards those principles on either side, by men whose opinions carry with them the greatest weight, and whose scruples challenge the most tender respect. But surely this is an occasion, on which we may entreat of both to enter upon the consideration of the particulars with a favourable opinion of the object in view, and a desire to find it of practicable attainment. If each party would only come to the inquiry with the disposition to concede as much as might fairly be asked to the opinions and prejudices of the other, little doubt of success could be entertained. If both remained in their present frame of mind, to carry the measure would not be possible; if either held out, perhaps it might not be desirable. Time and reflection must then be looked to as the only sure preparation for ultimate success; and the Plan of Educating the whole People together, will have to sustain the reproach of coming a little too early, and being founded upon an estimate somewhat too favourable of the liberality of the age. *

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* Among the parts of the Plan which the Dissenters wholly overlook, when they fancy it likely to find favour with the High Church party, is almost all the branch relating to the improvement of old Endowments. This branch the Dissenters highly approve of, considered in itself; but they forget it while they are engaged in describing the Bills as a scheme of the Church.

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No. LXX.

ART. I. *Marino Faliero, Doge of Venice. An Historical Tragedy, in Five Acts, with Notes; and the Prophecy of Dante, a Poem.* By LORD BYRON. 8vo. pp. 261. London, 1821.

THIS piece has undoubtedly considerable beauties, both dramatic and poetical; and might have made the fortune of any young aspirant after fame. But the name of Byron raises expectations which are not so easily satisfied; and, judging of it by the lofty standard which he himself has established, we are compelled to say, that we cannot but regard it as a failure, both as a Poem and a Play. This may be partly accounted for, from the inherent difficulty of uniting these two sorts of excellence—of confining the daring and digressive genius of poetry within the forms and limits of a regular drama, and, at the same time, imparting its warm and vivifying spirit to the practical preparation and necessary details of a complete theatrical action. These, however, are difficulties with which dramatic adventurers have long had to struggle; and over which, though they are incomparably most formidable to the most powerful spirits, there is no reason to doubt that the powers of Lord Byron would have triumphed.

The true history of his failure, therefore, we conceive, and the actual cause of his miscarriage on the present occasion, is to be found in the bad choice of his subject—his selection of a story which not only gives no scope to the peculiar and commanding graces of his genius, but runs continually counter to the master currents of his fancy. His great gifts, as all the world knows, are exquisite tenderness and demoniacal sublimity—the power of conjuring up at pleasure those delicious visions of love and beauty, and pity and purity, which melt our hearts within us with a thrilling and etherial softness—and of wielding, at the same time, that infernal fire which blasts

and overthrows all things with the dark and capricious fulminations of its scorn, rancour, and revenge. With the consciousness of these great powers, and as if in wilful perversity to their suggestions, he has here chosen a story which, in a great measure, excludes the agency of either; and resolutely conducted it, so as to secure himself against their intrusion;—a story without love or hatred—misanthropy or pity—containing nothing voluptuous and nothing terrific—but depending, for its grandeur, on the anger of a very old and irritable man—and, for its attraction, on the elaborate representations of conjugal dignity and domestic honour,—the sober and austere triumphs of cold and untempted chastity, and the noble propriety of a pure and disciplined understanding. These, we think, are not the most promising themes for any writer whose business is to raise powerful emotions—nor very likely, in any hands, to redeem the modern drama from the imputation of want of spirit, interest and excitement. But for Lord Byron to select them for a grand dramatic effort, is as if a swift-footed racer were to tie his feet together at the starting, or a valiant knight to enter the lists without his arms. No mortal prowess could succeed under such disadvantages. Amadis himself, when he laid aside his enchanted sword and his helmet of proof, was only a very strong man, and no way fit for the encounter of giants and dragons; and Lord Byron, without his bitters and his sweets, his softness and horrors, is only a very bold and clever writer—withal somewhat clumsy and verbose.

The story, in so far as it is original in our drama, is extremely improbable; though, like most other very improbable stories, derived from authentic sources: But, in the main, it is original—being indeed merely another Venice Preserved, and continually recalling, though certainly without eclipsing, the memory of the first. Except that Jaffier is driven to join the conspirators by the natural impulse of love and misery, and the Doge by a resentment so outrageous as to exclude all sympathy—and that the disclosure, which is produced by love in the old play, is here ascribed to mere friendship, the general action and catastrophe of the two pieces are almost identical—while, with regard to the writing and management, it must be owned that, if Lord Byron has most sense and vigour, Otway has by far the most passion and pathos; and that, though his conspirators are better orators and reasoners than the gang of Pierre and Reynault, the tenderness of Belvidera is as much more touching, as it is more natural than the stoical and self-satisfied decorum of Angiolina. But lest some of our readers may not have read the play through, it may be as well to preface the rest of our remarks with a short abstract of it.

Marino Faliero, Doge of Venice, and nearly fourscore years of age, marries a young beauty of the name of Angiolina—and, soon after their union, a giddy young nobleman, whom he had had occasion to disgrace in public, sticks up some indecent lines on his chair of state, purporting that he was the husband of a fair wife, whom he had the honour of keeping for the benefit of others. The Doge having discovered the author of this lampoon, complains of him to the Senate—who, upon proof of the charge, sentence him to a month's confinement. The Doge, considering this as altogether inadequate to the reparation of his injured honour, immediately conceives a most insane and unintelligible animosity at the whole body of the nobility—and, in spite of the dignified example and gentle soothing of Angiolina, puts himself at the head of a conspiracy, which had just been organized for the overthrow of the government by certain plebeian malcontents, who had more substantial wrongs and grievances to complain of. One of the faction, however, had a friend in the Senate whom he wished to preserve; and goes to him, on the eve of the insurrection, with words of warning, which lead to its timely detection. The Doge and his associates are arrested and brought to trial; and the former, after a vain intercession from Angiolina, who candidly admits the enormity of his guilt, and prays only for his life, is led, in his Ducal robes, to the place where he was first consecrated a sovereign, and there publicly decapitated by the hands of the Executioner.

This naked outline, we confess, gives no great information as to the merits of the piece; and it is fair, therefore, to let the reader a little more into its details. The first scenes represent, rather tediously, the Doge waiting impatiently for the sentence of the Senate, and raving very extravagantly at its lenity. We think all this part very heavily and even unskilfully executed; nor can it be at all surprising that ordinary readers should not enter into his Highness's fury, when it appears that even his nephew does not at first understand it. This dutiful person comments thus calmly on the matter, in a speech which, though set down by Lord Byron in lines of ten syllables, we shall take the liberty to print as prose—which it undoubtedly is—and very ordinary and homely prose too.

'*Ber. Fal.* I cannot but agree with you, the sentence is too slight for the offence. It is not honourable in the Forty to affix so slight a penalty to that which was a foul affront to you, and even to them, as being your subjects; but 'tis not yet without remedy: you can appeal to them once more, or to the Avogadori, who, seeing that true justice is withheld, will now take up the cause they once declined, and do you right upon the bold delinquent. Think you not thus, good uncle? why do you stand so fixed?' p. 11.

The youth, however, is at last talked into a better sense of what their house's honour requires—and leaves the Doge brooding over some terrible revenge. At this moment the Captain of a galley comes to complain of an insult he had just received from a Senator; and when the Doge rails at the whole Senate in terms of great bitterness, is encouraged to inform him, that a plot is on foot for its destruction, which he would do well to join—to which his Highness, with marvellous little hesitation, assents,—and agrees to come alone at midnight to this assemblage of plebeian desperadoes. If this were ever so authentically set down in history—which however it is not—it would still be a great deal too improbable for a modern tragedy.

The Second Act opens, or at least soon proceeds, with a scene between the Doge and Angiolina, which, though intolerably long, has more force and beauty than any thing that goes before it. She endeavours to sooth the furious mood of her aged partner; while he insists that nothing but the libeller's death could make fitting expiation for his offence. The following is an elaborate, and, after all, ineffectual attempt, by rhetorical exaggerations, to give some colour to the insane and unmeasured resentment on which the piece hinges.

'*Doge.* Does not the law of Heaven say blood for blood?
And he who *taints* kills more than he who sheds it.
Is it the *pain* of blows, or *shame* of blows,
That make such deadly to the sense of man?
Do not the laws of man say blood for honour?
And less than honour, for a little gold?
Say not the laws of nations blood for treason?
Is 't nothing to have fill'd these veins with poison
For their once healthful current? is it nothing
To have stain'd your name and mine—the noblest names?
Is 't nothing to have brought into contempt
A prince before his people? to have fail'd
In the respect accorded by mankind
To youth in woman, and old age in man?
To virtue in your sex, and dignity
In ours?—But let them look to it who have saved him.
Ang. Heaven bids us to forgive our enemies.
Doge. Doth Heaven forgive her own? Is Satan saved
From wrath eternal?
Ang. Do not speak thus wildly—
Heaven will alike forgive you and your foes.
Doge. Amen! May Heaven forgive them.
Ang. And will you?
Doge. Yes, when they are in Heaven!' pp. 47–48.

He afterwards reminds her, with more mildness, of the motives that had led him to seek her alliance—her father's request,

and his own desire to afford her orphan helplessness the highest and most unsuspected probation. The following passages, though not perfectly dramatic, have great sweetness and dignity, and remind us, in their rich verbosity, of the moral and mellifluous parts of Massinger.

'*Doge.* 'Twas not a foolish dotard's vile caprice,
Nor the false edge of aged appetite,
Which made me covetous of girlish beauty,
And a young bride: for in my fieriest youth
I sway'd such passions; nor was this my age
Infected with that leprosy of lust
Which taints the hoariest years of vicious men,' &c.—
'I knew my heart would never treat you harshly;
I knew my days could not disturb you long;
And then the daughter of my earliest friend,
His worthy daughter, free to choose again,
Wealthier and wiser, in the ripest bloom
Of womanhood, more skilful to select
By passing these probationary years;
Inheriting a prince's name and riches,
Secured, by the short penance of enduring
An old man for some summers, against all
That law's chicane or envious kinsmen might
Have urged against her right; my best friend's child
Would choose more fitly in respect of years,
And not less truly in a faithful heart.'—
'For love, romantic love, which in my youth
I knew to be illusion, and ne'er saw
Lasting, but often fatal, it had been
No lure for me, in my most passionate days,
And could not be so now, did such exist.
But such respect, and mildly paid regard
As a true feeling for your welfare, and
A free compliance with all honest wishes;
A kindness to your virtues, watchfulness
Not shown, but shadowing o'er such little failings
As youth is apt in, so as not to check
Rashly, but win you from them ere you knew
You had been won, but thought the change your choice;
A pride not in your beauty, but your conduct,—
A trust in you—a patriarchal love,
And not a doting homage—friendship, faith—
Such estimation in your eyes as these
Might claim, I hoped for.'—
'I trusted to the blood of Loredano
Pure in your veins; I trusted to the soul
God gave you—to the truths your father taught you—
To your belief in heaven—to your mild virtues—

To your own faith and honour, for my own.—
Where light thoughts are lurking, or the vanities
Of worldly pleasure rankle in the heart,
Or sensual throbs convulse it, well I know
'Twere hopeless for humanity to dream
Of honesty in such infected blood,
Although 'twere wed to him it covets most:
An incarnation of the poet's god
In all his marble-chisell'd beauty, or
The demi-deity, Alcides, in
His majesty of superhuman manhood,
Would not suffice to bind where virtue is not.' pp. 50—53.

The next scene introduces us to the Conspirators, who, though of humble condition, speak in very lofty language. There is much force and spirit in this passage. One says—'But if we fail!'—and the Chief warmly replies,

'They never fail who die
In a great cause: the block may soak their gore;
Their heads may sodden in the sun; their limbs
Be strung to city gates and castle walls—
But still their spirit walks abroad. Though years
Elapse, and others share as dark a doom,
They but augment the deep and sweeping thoughts
Which o'erpower all others, and conduct
The world at last to freedom: What were we,
If Brutus had not lived? He died in giving
Rome liberty, but left a deathless lesson—
A name which is a virtue, and a soul
Which multiplies itself throughout all time,
When wicked men wax mighty, and a state
Turns servile. He and his high friend were styled
"The last of Romans!" Let us be the first
Of true Venetians, sprung from Roman sires.
Calen. Our fathers did not fly from Attila
Into these isles, where palaces have sprung
On banks redeem'd from the rude ocean's ooze,
To own a thousand despots in his place.
Better bow down before the Hun, and call
A Tartar lord, than these swoln silkworms masters!
The first at least was man, and used his sword
As sceptre: these unmanly creeping things
Command our swords, and rule us with a word
As with a spell.
Is. Ber. It shall be broken soon.' pp. 63, 64.

We then pass to the Doge, who, true to his appointment, is waiting for his conductor before the church of St John and St Paul, the cemetery of his noble ancestors. There is great loftiness, both of feeling and diction, in the following passage.

'Tall fane!
Where sleep my fathers, whose dim statues shadow
The floor which doth divide us from the dead,
Where all the pregnant hearts of our bold blood,
Moulder'd into a mite of ashes, hold
In one shrunk heap what once made many heroes,
When what is now a handful shook the earth—
Fane of the tutelar saints who guard our house!
Vault where two Doges rest—my sires! who died
The one of toil, the other in the field,
With a long race of other lineal chiefs
And sages, whose great labours, wounds, and state
I have inherited,—let the graves gape,
Till all thine aisles be peopled with the dead,
And pour them from thy portals to gaze on me!
I call them up, and them and thee to witness
What it hath been which put me to this task—
Their pure high blood, their blazon-roll of glories,
Their mighty name dishonour'd all *in* me,
Not *by* me, but by the ungrateful nobles
We fought to make our equals, not our lords:—
And chiefly thou, Ordelafo the brave,
Who perish'd in the field, where I since conquer'd,
Battling at Zara, did the hecatombs
Of thine and Venice' foes, there offer'd up
By thy descendant, merit such acquittance?' pp. 68, 69.

He is at last ushered into the presence of the Conspirators, who are at first disposed to sacrifice both him and his introducer; but are pacified and converted by a speech of three pages, which is not very good: And then they put it to him to say, whether any of the devoted Senate shall be spared in the impending massacre. He says,

'Ask me not—tempt me not with such a question—
Decide yourselves.'

But, on being farther pressed, he gives way, in the following passages, to feelings most natural to his own condition, but by no means calculated to recommend him to his new associates.

'*Doge.* Dolfino's father was my friend, and Lando
Fought by my side, and Marc Cornaro shared
My Genoese embassy; I saved the life
Of Veniero—shall I save it twice?' &c.
'All these men were my friends; I loved them, they
Requited honourably my regards;
We served and fought; we smiled and wept in concert;
We revell'd or we sorrow'd side by side;
We made alliances of blood and marriage;
We grew in years and honours fairly, till

Their own desire, not my ambition, made
Them choose me for their prince, and then farewell!
Farewell all social memory! all thoughts
In common! and sweet bonds which link old friendships,
When the survivors of long years and actions,
Which now belong to history, soothe the days
Which yet remain by treasuring each other,
And never meet, but each beholds the mirror
Of half a century on his brother's brow,
And sees a hundred beings, now in earth,
Flit round them whispering of the days gone by,
And seeming not all dead, as long as two
Of the brave, joyous, reckless, glorious band,
Which once were one and many, still retain
A breath to sigh for them, a tongue to speak
Of deeds that else were silent, save on marble.' pp. 86—88.

And again, when he is left alone with the chief Conspirator, the contrast of their situations is still more finely and forcibly elicited. Bertuccio says,

'Now thou'rt indeed a sovereign, and wilt make
A name immortal greater than the greatest:
Free citizens have struck at kings ere now;
Cæsars have fallen, and even patrician hands
Have crush'd dictators, as the popular steel
Has reach'd patricians; but until this hour,
What prince has plotted for his people's freedom?
Or risk'd a life to liberate his subjects?
Now, my lord, to our enterprise; 'tis great,
And greater the reward; why stand you rapt?
A moment back, and you were all impatience!
Doge. And is it then decided? must they die?
Is. Ber. Who?
Doge. My own friends by blood and courtesy,
And many deeds and days—the senators?
Is. Ber. You pass'd their sentence, and it is a just one.
Doge. Ay, so it seems, and so it is to *you;*
You are a patriot, plebeian Gracchus—
The rebel's oracle—the people's tribune—
I blame you not, you act in your vocation;
They smote you, and oppress'd you, and despised you;
So they have *me:* but *you* ne'er spake with them;
You never broke their bread, nor shared their salt;
You never had their wine-cup at your lips;
You grew not up with them, nor laugh'd, nor wept,
Nor held a revel in their company;
Ne'er smiled to see them smile, nor claim'd their smile
In social interchange for yours, nor trusted:
These hairs of mine are grey, and so are theirs,

The elders of the council; I remember
When all our locks were like the raven's wing,
As we went forth to take our prey around
The isles wrung from the false Mahometan;
And can I see them dabbled o'er with blood?

Is. Ber. Doge! Doge! this vacillation is unworthy
A child; if you are not in second childhood,
Call back your nerves to your own purpose, &c.

Doge. Bear with me! Step by step, and blow on blow,
I will divide with you; think not I waver;
Ah! no; it is the *certainty* of all
Which I must do doth make me tremble thus.
But let these last and lingering thoughts have way,
To which you only and the Night are conscious,
And both regardless; when the hour arrives,
'Tis mine to sound the knell, and strike the blow,
Which shall unpeople many palaces,
And hew the highest genealogic trees
Down to the earth, strew'd with their bleeding fruit,
And crush their blossoms into barrenness:
This will I—must I—have I sworn to do,
Nor aught can turn me from my destiny.' pp. 92–94.

The Fourth Act opens with the most poetical and brilliantly written scene in the play—though it is a soliloquy, and altogether alien from the business of the piece. Lioni, a young nobleman, returns home from a splendid assembly, rather out of spirits; and, opening his palace window for air, contrasts the tranquillity of the night scene which lies before him, with the feverish turbulence and glittering enchantments of that which he has just quitted. Nothing can be finer than this picture, in both its compartments. There is a truth and a luxuriance in the description of the route, which mark at once the hand of a master, and raise it to a very high rank as a piece of poetical painting—while the moonlight view from the window is equally grand and beautiful, and reminds us of those magnificent and enchanting lookings forth in Manfred, which have left, we will confess, far deeper traces on our fancy, than any thing else in the more elaborate work before us. Lioni says,

' ——I will try
Whether the air will calm my spirits: 'tis
A goodly night; the cloudy wind which blew
From the Levant hath crept into its cave,
And the broad moon has brighten'd. What a stillness!
[*Goes to an open lattice.*
And what a contrast with the scene I left,
Where the tall torches' glare, and silver lamps'
More pallid gleam along the tapestried walls,
Spread over the reluctant gloom which haunts

Those vast and dimly-latticed galleries
A dazzling mass of artificial light,
Which show'd all things, but nothing as they were, &c.—
The music, and the banquet, and the wine—
The garlands, the rose odours, and the flowers—
The sparkling eyes and flashing ornaments—
The white arms and the raven hair—the braids
And bracelets; swanlike bosoms, and the necklace,
An India in itself, yet dazzling not
The eye like what it circled; the thin robes
Floating like light clouds 'twixt our gaze and heaven;
The many-twinkling feet so small and sylphlike,
Suggesting the more secret symmetry
Of the fair forms which terminate so well—
All the delusion of the dizzy scene,
Its false and true enchantments—art and nature,
Which swam before my giddy eyes, that drank
The sight of beauty as the parch'd pilgrim's
On Arab sands the false mirage, which offers
A lucid lake to his eluded thirst,
Are gone.—Around me are the stars and waters—
Worlds mirror'd in the ocean, goodlier sight
Than torches glared back by a gaudy glass;
And the great element, which is to space
What ocean is to earth, spreads its blue depths,
Soften'd with the first breathings of the spring;
The high moon sails upon her beauteous way,
Serenely smoothing o'er the lofty walls
Of those tall piles and sea-girt palaces,
Whose porphyry pillars, and whose costly fronts,
Fraught with the orient spoil of many marbles,
Like altars ranged along the broad canal,
Seem each a trophy of some mighty deed
Rear'd up from out the waters, scarce less strangely
Than those more massy and mysterious giants
Of architecture, those Titanian fabrics,
Which point in Egypt's plains to times that have
No other record. All is gentle: nought
Stirs rudely; but, congenial with the night,
Whatever walks is gliding like a spirit.
The tinklings of some vigilant guitars
Of sleepless lovers to a wakeful mistress,
And cautious opening of the casement, showing
That he is not unheard; while her young hand,
Fair as the moonlight of which it seems part,
So delicately white, it trembles in
The act of opening the forbidden lattice,
To let in love through music, makes his heart

Thrill like his lyre-strings at the sight;—the dash
Phosphoric of the oar, or rapid twinkle
Of the far lights of skimming gondolas,
And the responsive voices of the choir
Of boatmen answering back with verse for verse;
Some dusky shadow chequering the Rialto;
Some glimmering palace roof, or tapering spire,
Are all the sights and sounds which here pervade
The ocean-born and earth-commanding city.' pp. 98–101.

We must hurry over the rest of the story. A relenting Conspirator, whom this contemplative Signor had formerly befriended, calls to warn him of the danger; and is gradually led to betray his associates. The plot is crushed in the moment of its development, and the Doge arrested in his palace. The scene immediately preceding this catastrophe is noble and thrilling. The Doge says to his nephew—

'Will the morn never put to rest
These stars which twinkle yet o'er all the heavens?'—
'Methinks the day breaks—is it not so? look,
Thine eyes are clear with youth;—the air puts on
A morning freshness, and, at least to me,
The sea looks grayer through the lattice.
Ber. Fal. True,
The morn is dappling in the sky.
Doge. Away then!
See that they strike without delay, and with
The first toll from St Mark's, march on the palace
With all our house's strength; here I will meet you—
He is gone.—'Tis done.
Now the destroying Angel hovers o'er
Venice, and pauses ere he pours the vial,
Even as the eagle overlooks his prey,
And for a moment, poised in middle air,
Suspends the motion of his mighty wings,
Then swoops with his unerring beak.—Thou day!
That slowly walk'st the waters! march—march on—
I would not smite i' the dark, but rather see
That no stroke errs. And you, ye blue sea-waves!
I have seen you dyed ere now, and deeply too,
With Genoese, Saracen, and Hunnish gore,
While that of Venice flow'd too, but victorious:
Now thou must wear an unmix'd crimson; no
Barbaric blood now,' &c. pp. 117–119.

The last Act begins with the arraignment of the original Conspirators, which is very much in the style of that of Pierre and his associates in the old play—and, after them, the Doge is brought in. His part is very forcibly written throughout; but

we can only give the concluding part of it. After a good deal of reprobation and scorn has been interchanged, he says,

'Noble Venetians! stir me not with questions.
I am resign'd to the worst; but in me still
Have something of the blood of brighter days,
And am not over-patient. Pray you, spare me
Further interrogation, which boots nothing,
Except to turn a trial to debate.
I shall but answer that which will offend you,
And please your enemies—a host already;
'Tis true, these sullen walls should yield no echo:
But walls have ears; for true *words* are *things*,
And dying men's are things which long outlive,
And oftentimes avenge them; bury mine
If ye would fain survive me: take this counsel,
And though too oft ye made me live in wrath,
Let me die calmly; you may grant me this;—
I deny nothing—defend nothing—nothing
I ask of you, but silence for myself,
And sentence from the court!' pp. 141, 142.

Angiolina enters, and supplicates with calm dignity—but in vain. She then says,

'Then die, Faliero! since it must be so;
But with the spirit of my father's friend.
Thou hast been guilty of a great offence,' &c.

The unhappy libeller now rises—humbly acknowledges his fault—and sues, not for forgiveness, but compassion. The stern spirit of the matron rises at this interference; and she rebukes him in a speech which, though rather long and learned, is yet full of majesty and spirit. Among other things, she says—

'Let what we now
Behold, and feel, and suffer, be a lesson
To wretches how they tamper in their spleen
With beings of a higher order. Insects
Have made the lion mad ere now; a shaft
I' the heel o'erthrew the bravest of the brave;
A wife's dishonour was the bane of Troy;
A wife's dishonour unking'd Rome for ever;
An injured husband brought the Gauls to Clusium,
And thence to Rome, which perish'd for a time;
An obscene gesture cost Caligula
His life, while Earth yet bore his cruelties;
A virgin's wrong made Spain a Moorish province;
And Steno's lie, couch'd in two worthless lines,
Hath decimated Venice, put in peril
A senate which hath stood eight hundred years,
Discrown'd a prince, cut off his crownless head,

And forged new fetters for a groaning people?
Let the poor wretch, like to the courtesan
Who fired Persepolis, be proud of this,
If it so please him—'twere a pride fit for him!
But let him not insult the last hours of
Him, who, whate'er he now is, *was* a hero,
By the intrusion of his very prayers;
Nothing of good can come from such a source,
Nor would we aught with him, nor now, nor ever:
We leave him to himself, that lowest depth
Of human baseness. Pardon is for men,
And not for reptiles—we have none for Steno,
And no resentment; things like him must sting,
And higher beings suffer: 'tis the charter
Of life. The man who dies by the adder's fang
May have the crawler crush'd, but feels no anger:
'Twas the worm's nature; and some men are worms
In soul, more than the living things of tombs.' pp. 149, 150.

Sentence is then passed upon him with all solemnity; and, in the following scene, he is brought with much pomp to the place of Execution. His last speech is a grand prophetic rant;—something strained and elaborate—but eloquent and terrible. He asks whether he may speak; and is told he may, but that the people are too far off to hear him. He then says,

'I speak to Time and to Eternity,
Of which I grow a portion, not to man.
Ye elements! in which to be resolved
I hasten, let my voice be as a spirit
Upon you! Ye blue waves! which bore my banner,
Ye winds! which flutter'd o'er as if you loved it,
And fill'd my swelling sails as they were wafted
To many a triumph! Thou, my native earth,
Which I have bled for, and thou foreign earth,
Which drank this willing blood from many a wound!
Ye stones, in which my gore will not sink, but
Reek up to heaven! Ye skies, which will receive it!
Thou sun! which shinest on these things, and Thou!
Who kindlest and who quenchest suns!—Attest!
I am not innocent—but are these guiltless?
I perish, but not unavenged; far ages
Float up from the abyss of time to be,
And show these eyes, before they close, the doom
Of this proud city, and I leave my curse
On her and hers for ever!——Yes, the hours
Are silently engendering of the day,
When she, who built 'gainst Attila a bulwark,
Shall yield, and bloodlessly and basely yield

Unto a bastard Attila, without
Shedding so much blood in her last defence
As these old veins, oft drain'd in shielding her,
Shall pour in sacrifice.—She shall be bought.—
Then, when the Hebrew 's in thy palaces,
The Hun in thy high places, and the Greek
Walks o'er thy mart, and smiles on it for his;
When thy patricians beg their bitter bread
In narrow streets, and in their shameful need
Make their nobility a plea for pity;—when
Thy sons are in the lowest scale of being,
Slaves turn'd o'er to the vanquish'd by the victors,
Despised by cowards for greater cowardice,
And scorn'd even by the vicious for such vices
As in the monstrous grasp of their conception
Defy all codes to image or to name them;—
When all the ills of conquer'd states shall cling thee,
Vice without splendour, sin without relief;—
When these and more are heavy on thee, when
Smiles without mirth, and pastimes without pleasure,
Youth without honour, age without respect,
Meanness and weakness, and a sense of woe
'Gainst which thou wilt not strive, and dar'st not murmur,
Have made thee last and worst of peopled deserts,
Then, in the last gasp of thine agony,
Amidst thy many murders, think of *mine!*
Thou den of drunkards with the blood of princes!
Gehenna of the waters! thou sea Sodom!
Thus I devote thee to the infernal gods!
Thee and thy serpent seed!

[*Here the* Doge *turns, and addresses the Executioner.*

Slave, do thine office!
Strike as I struck the foe! Strike as I would
Have struck those tyrants! Strike deep as my curse!
Strike—and but once!' pp. 162–165.

It will not now be difficult to estimate the character of this work.—As a play, it is deficient in the attractive passions, in probability, and in depth and variety of interest; and revolts throughout, by the extravagant disproportion which the injury bears to the unmeasured resentment with which it is pursued. As a poem, though it occasionally displays great force and elevation, it obviously wants both grace and facility. The diction is often heavy and cumbrous, and the versification without sweetness or elasticity. It is generally very verbose, and sometimes exceedingly dull. Altogether, it gives us the impression of a thing worked out against the grain, and not poured forth from the fulness of the heart or the fancy—the ambitious and

elaborate work of a powerful mind engaged with an unsuitable task—not the spontaneous effusion of an exuberant imagination, sporting in the fulness of its strength. Every thing is heightened and enforced with visible effort and design; and the noble author is often contented to be emphatic by dint of exaggeration, and eloquent by the common topics of declamation. Lord Byron is, undoubtedly, a poet of the very first order—and has talents to reach the very highest honours of the drama. But he must not again disdain love and ambition and jealousy—he must not substitute what is merely *bizarre* and extraordinary, for what is naturally and universally interesting—nor expect, by any exaggerations, so to rouse and rule our sympathies by the senseless anger of an old man, and the prudish proprieties of an untempted woman, as by the agency of the great and simple passions with which, in some of their degrees, all men are familiar, and by which alone the Dramatic Muse has hitherto wrought her miracles.

To this very long play there is subjoined, in the volume before us, four short Cantos of a larger projected poem, called 'The Prophecy of Dante,' which seems to be written far more from the impulse of the author's soul, and with ten times more good will to the work, than the tragedy which stands before it. It is a very grand, fervid, turbulent, and somewhat mystical composition—full of the highest sentiments, and the highest poetry;—but disfigured by many faults of precipitation, and overclouded with many obscurities. Its great fault with common readers will be, that it is not sufficiently intelligible, either in its general drift or in particular passages;—and even those who are qualified to enter into its spirit, and can raise themselves to the height of the temper in which it is conceived, will be entitled to complain of the interminable periods and endless interlacings of the diction, and of the general crudity and imperfect concoction of the bulk of the composition. It is however, beyond all question, the work of a man of great genius; and if he would only digest his matter a little more carefully, and somewhat concentrate the potent spirit of poetry which he has here poured abroad so lavishly in its unrectified state, we have no doubt that he might produce something that would command universal admiration, and not merely confirm, but extend the great fame he has already acquired.

ART. II. 1. *Thoughts on the Criminal Prisons of this Country, occasioned by the Bill now in the House of Commons, for Consolidating and Amending the Laws relating to Prisons; with some Remarks on the Practice of looking to the Task-Master of a Prison rather than to the Chaplain for the Reformation of Offenders; and of purchasing the Work of those whom the Law has condemned to Hard Labour as a Punishment, by allowing them to spend a Portion of their Earnings during their Imprisonment.* By GEORGE HOLFORD, Esq. M. P. Rivington. 1821.

2. *Gurney on Prisons.* Constable & Co. 1819.

3. *Report of Society for Bettering the Condition of Prisons.* Bensley. 1820.

THERE are, in every county in England, large public schools, maintained at the expense of the county, for the encouragement of profligacy and vice, and for providing a proper succession of housebreakers, profligates, and thieves. They are schools, too, conducted without the smallest degree of partiality or favour; there being no man (however mean his birth, or obscure his situation) who may not easily procure admission to them. The moment any young person evinces the slightest propensity for these pursuits, he is provided with food, clothing, and lodging, and put to his studies under the most accomplished thieves and cut-throats the county can supply. There is not, to be sure, a formal arrangement of lectures after the manner of our Universities; but the petty larcenous stripling, being left destitute of every species of employment, and locked up with accomplished villains as idle as himself, listens to their pleasant narrative of successful crimes, and pants for the hour of freedom, that he may begin the same bold and interesting career.

This is a perfectly true picture of the prison establishments of many counties in England, and was so, till very lately, of almost all; and the effects so completely answered the design, that in the year 1818, * there were committed to the jails of the United Kingdoms, more than one hundred and seven thousand persons! * a number supposed to be greater than that of all the commitments in the other kingdoms of Europe put together.

The bodily treatment of prisoners has been greatly improved since the time of Howard. There is still, however, much to do; and the attention of good and humane people has been

* Report of Prison Society, xiv.

lately called to their state of moral discipline.

It is inconceivable to what a spirit of party this has given birth;—all the fat and sleek people,—the enjoyers,—the mumpsimus, and 'well as we are' people, are perfectly outrageous at being compelled to do their duty; and to sacrifice time and money to the lower orders of mankind. Their first resource was, to deny all the facts which were brought forward for the purposes of amendment; and the Alderman's sarcasm of the Turkey carpet in jails, was bandied from one hard-hearted and fat-witted gentleman to another: But the advocates of prison-improvement are men in earnest—not playing at religion, but of deep feeling, and of indefatigable industry in charitable pursuits. Mr Buxton went in company with men of the most irreproachable veracity; and found, in the heart of the metropolis, and in a prison of which the very Turkey carpet Alderman was an official visitor, scenes of horror, filth and cruelty, which would have disgraced even the interior of a slave-ship.

This dislike of innovation proceeds sometimes from the disgust excited by false humanity, canting hypocrisy, and silly enthusiasm. It proceeds also from a stupid and indiscriminate horror of change, whether of evil for good, or good for evil. There is also much party spirit in these matters. A good deal of these humane projects and institutions originate from Dissenters. The plunderers of the public, the jobbers, and those who sell themselves to some great man, who sells himself to a greater, all scent, from afar, the danger of political change—are sensible that the correction of one abuse may lead to that of another—feel uneasy at any visible operation of public spirit and justice—hate and tremble at a man who exposes and rectifies abuses from a sense of duty—and think, if such things are suffered to be, that their candle-ends and cheese-parings are no longer safe: And these sagacious persons, it must be said for them, are not very wrong in this feeling. Providence, which has denied to them all that is great and good, has given them a fine tact for the preservation of their plunder:—Their real enemy is the spirit of inquiry—the dislike of wrong—the love of right—and the courage and diligence which are the concomitants of these virtues. When once this spirit is up, it may be as well directed to one abuse as another. To say you must not torture a prisoner with bad air and bad food, and to say you must not tax me without my consent, or that of my representative, are both emanations of the same principle, occurring to the same sort of understanding, congenial to the same disposition, published, protected, and enforced by the same qualities. This it is that really excites the horror against Mrs Fry, Mr

Gurney, Mr Bennet, and Mr Buxton. Alarmists such as we have described, have no particular wish that prisons should be dirty, jailors cruel, or prisoners wretched; they care little about such matters either way; but all their malice and meanness is called up into action when they see secrets brought to light, and abuses giving way before the diffusion of intelligence, and the aroused feelings of justice and compassion. As for us, we have neither love of change, nor fear of it; but a love of what is just and wise, as far as we are able to find it out. In this spirit we shall offer a few observations upon Prisons, and upon the Publications before us.

The new law should keep up the distinction between Jails and Houses of Correction. One of each should exist in every county, either at a distance from each other, or in such a state of juxtaposition, that they might be under the same governor. To the jail, should be committed all persons accused of capital offences, whose trials would come on at the Assizes;—to the house of correction, all offenders whose cases would be cognisable at the Quarter-sessions. Sentence of imprisonment in the house of correction, after trial, should carry with it hard labour;—sentence of imprisonment in the jail, after trial, should imply an exemption from compulsory labour. There should be no compulsory labour in jails—only in houses of correction. In using the terms *Jail* and House of Correction, we shall always attend to these distinctions. Prisoners for trial should not only not be compelled to labour, but they should have every indulgence shown to them compatible with safety. No chains—much better diet than they commonly have—all possible access to their friends and relations—and means of earning money if they chuse it. The broad and obvious distinction between prisoners before and after trial, should constantly be attended to; to violate it is gross tyranny and cruelty.

The jails for men and women should be so far separated, that nothing could be seen or heard from one to the other. The men should be divided into two classes; 1*st*, those who are not yet tried; 2*d*, those who are tried and convicted. The first class should be divided into those who are accused as misdemeanants and as felons; and each of these into first misdemeanants and second misdemeanants, men of better and worse character; and the same with felons. The second class should be divided into, 1*st*, persons condemned to death; 2*d*, persons condemned for transportation; 3*dly*, first class of confined, or men of the best character under sentence of confinement; 4*thly*, second *confined*, or men of worse character under sentence of confinement. To these are to be added, separate places for king's evidence, boys, lunatics, and

places for the first reception of prisoners, before they can be examined and classed:—a chapel, hospital, yards, and workshops for such as are willing to work.

The classifications in jails will then be as follows.

Men before Trial.	*Men after Trial.*
1*st*, Misdemeanants.	Sentenced to death.
2*d*, Ditto.	Ditto transportation.
1*st*, Felons.	1*st*, Confined.
2*d*, Ditto.	2*d*, Confined.

Other Divisions in a Jail.

King's Evidence.
Criminal Lunatics.
Boys.
Prisoners on their first reception.
And the same divisions for Women.

But there is a division still more important than any of these; and that is, a division into much smaller numbers than are gathered together in prisons:—40, 50, and even 70 and 80 fellons, are often placed together in one yard, and live together for months previous to their trial. Any classification of offences, while there is such a multitude living together of one class, is perfectly nugatory and ridiculous; no character can escape from corruption and extreme vice in such a school. The law ought to be peremptory against the confinement of more than fifteen persons together of the same class. Unless some measure of this kind is resorted to, all reformation in prisons is impossible. *

A very great, and a very neglected object in prisons, is Diet. There should be, in every jail and house of correction, four sorts of diet; 1*st*, Bread and water; 2*dly*, Common prison diet, to be settled by the magistrates; 3*dly*, Best prison diet, to be settled by ditto; 4*thly*, Free diet, from which spirituous liquors altogether, and fermented liquors in excess, are excluded. All prisoners, before trial, should be allowed best prison diet, and be upon free diet, if they could afford it. Every sentence for imprisonment should expressly mention to which diet the prisoner is confined; and no other diet should be, on any account, allowed to such prisoner after his sentence. Nothing can be so preposterous, and criminally careless, as the way in which persons confined upon sentence are suffered to live in prisons. Misdemeanants, who have money in their pockets, may be seen

* We should much prefer solitary imprisonment; but are at present speaking of the regulations in jails where that system is excluded.

in many of our prisons with fish, buttered veal, rump steaks, and every kind of luxury; and as the practice prevails of allowing them to purchase a pint of ale each, the rich prisoner purchases many pints of ale, in the name of his poorer brethren, and drinks them himself. A jail should be a place of punishment, from which men recoil with horror—a place of real suffering, painful to the memory, terrible to the imagination: But if men can live idly, and live luxuriously, in a clean, well-aired, well-warmed, spacious habitation, is it any wonder that they set the law at defiance, and brave that magistrate who restores them to their former luxury and ease? There are a set of men well known to jailors, called *Family-men*, who are constantly returning to jail, and who may be said to spend the greater part of their life there,—up to the time when they are hanged.

Minutes of Evidence taken before Select Committee on Gaols.

'Mr William Beeby, *Keeper of the New Clerkenwell Prison.*—Have you many prisoners that return to you on re-commitment? A vast number; some of them are frequently discharged in the morning, and I have them back again in the evening; or they have been discharged in the evening, and I have had them back again in the morning.'—*Evidence before the Committee of the House of Commons in* 1819, p. 278.

'Francis Const, Esq. *Chairman of the Middlesex Quarter-sessions.*—Has that opinion been confirmed by any conduct you have observed in prisoners that have come before you for trial? I only judge from the opposite thing, that, going into a place where they can be idle, and well protected from any inconveniences of the weather, and other things that poverty is open to, they are not amended at all; they laugh at it frequently, and desire to go to the House of Correction. Once or twice, in the early part of the winter, upon sending a prisoner for two months, he has asked, whether he could not stay longer, or words to that effect: It is an insulting way of saying they like it.'—*Evidence before the Committee of the House of Commons in* 1819, p. 285.

The fact is, that a thief is a very dainty gentleman. *Male parta cito dilabuntur.* He does not rob to lead a life of mortification and self-denial. The difficulty of controlling his appetites, in all probability, first led him to expenses which made him a thief to support them. Having lost character, and become desperate, he orders crab and lobster and veal cutlets at a public house, while a poor labourer is refreshing himself with bread and cheese. The most vulnerable part of a thief is his belly; and there is nothing he feels more bitterly in confinement than a long course of watergruel and flour-puddings. It is a mere mockery of punishment to say, that such a man shall spend his

money in luxurious viands, and sit down to dinner with fetters on his feet, and fried pork in his stomach.

Restriction to diet in prisons is still more necessary, when it is remembered, that it is impossible to avoid making a prison, in some respects, more eligible than the home of a culprit. It is almost always more spacious, cleaner, better ventilated, better warmed. All these advantages are inevitable on the side of the prison. The means, therefore, that remain of making a prison a disagreeable place, are not to be neglected; and of these, none are more powerful than the regulation of diet. If this is neglected, the meaning of sentencing a man to prison will be this—and it had better be put in these words—

'Prisoner at the Bar, you are fairly convicted, by a Jury of your country, of having feloniously stolen two pigs, the property of Stephen Muck, farmer. The Court having taken into consideration the frequency and enormity of this offence, and the necessity of restraining it with the utmost severity of punishment, do order and adjudge, that you be confined for six months in an house, larger, better, better aired, and warmer than your own, in company with 20 or 30 young persons, in as good health and spirits as yourself. You need do no work; and you may have any thing for breakfast, dinner and supper, you can buy. In passing this sentence, the Court hope that your example will be a warning to others; and that evil disposed persons will perceive, from your suffering, that the laws of their country are not to be broken with impunity.'

As the diet, according to our plan, is always to be a part of the sentence, a Judge will, of course, consider the nature of the offence for which the prisoner is committed, as well as the quality of the prisoner: And we have before stated, that all prisoners, before trial, should be upon the best prison diet, and unrestricted as to what they could purchase, always avoiding intemperance.

These gradations of diet being fixed in all prisons, and these definitions of Jail and House of Correction being adhered to, the punishment of imprisonment may be apportioned with the greatest nicety, either by the statute, or at the discretion of the Judge, if the law chooses to give him that discretion. There will be—

Imprisonment for different degrees of time.
Imprisonment solitary, or in company, or in darkness.
In jails without labour.
In houses of correction, with labour.
Imprisonment with diet on bread and water.
Imprisonment with common prison diet.

Imprisonment with best prison diet.
Imprisonment with free diet.

Every sentence of the Judge should state diet, as well as light or darkness, time, place, solitude, society, labour or ease; and we are strongly of opinion, that the punishment in prisons should be sharp and short. We would, in most cases, give as much of solitary confinement as would not injure mens' minds, and as much of bread and water diet as would not injure their bodies. A return to prison should be contemplated with horror —horror, not excited by the ancient filth, disease, and extortion of jails; but by calm, well-regulated, well-watched austerity —by the gloom and sadness wisely and intentionally thrown over such an abode. Six weeks of such sort of imprisonment would be much more efficacious than as many months of jolly company and veal cutlets.

It appears, by the Times newspaper of the 24th of June 1821, that two persons, a man and his wife, were committed at the Surrey Sessions for three years. If this county jail is bad, to three years of idleness and good living—if it is a manufacturing jail, to three years of regular labour, moderate living, and accumulated gains. They are committed, *principally* for a warning to others, partly for their own good. Would not these ends have been much more effectually answered, if they had been committed, for nine months, to solitary cells upon bread and water, the first and last month in dark cells? If this is too severe, then lessen the duration still more, and give them more light days, and fewer dark ones; but we are convinced the whole good sought may be better obtained in much shorter periods than are now resorted to.

For the purpose of making jails disagreeable, the prisoners should remain perfectly alone all night, if it is not thought proper to render their confinement entirely solitary during the whole period of their imprisonment. Prisoners dislike this— and *therefore* it should be done; it would make their residence in jails more disagreeable, and render them unwilling to return there. At present, eight or ten women sleep in a room with a good fire, pass the night in sound sleep or pleasant conversation; and this is called confinement in a prison. A prison is a place where men, after trial and sentence, should be made unhappy by public lawful enactments, not so severe as to injure the soundness of mind or body. If this is not done, prisons are a mere invitation to the lower classes to wade, through felony and larceny, to better accommodations than they can procure at home:—And here, as it appears to us, is the mistake of the many excellent men who busy themselves (and wisely and humanely

busy themselves) about prisons. Their first object seems to be the reformation of the prisoners, not the reformation of the public; whereas the first object should be, the discomfort and discontent of their prisoners; that they should become a warning, feel unhappy, and resolve never to act so again as to put themselves in the same predicament; and then as much reformation as is compatible with this, the better. If a man says to himself, this prison is a comfortable place, while he says to the chaplain or the visitor, that he will come there no more, we confess we have no great confidence in his public declaration; but if he says, 'this is a place of misery and sorrow, you shall not catch me here again,' there is much reason to believe he will be as good as his word; and he then becomes (which is of much more consequence than his own reformation) a warning to others. Hence it is we object to that spectacle of order and decorum—carpenters in one shop, taylors in another, weavers in a third, sitting down to a meal by ring of bell, and receiving a regular portion of their earnings. We are afraid it is better than real life on the other side of the wall, or so very little worse, that nobody will have any fear to encounter it. In Bury jail, which is considered as a pattern jail, the prisoners under sentence of confinement are allowed to spend their weekly earnings (two, three, and four shillings per week) in fish, tobacco, and vegetables; so states the jailer in his examination before the House of Commons:—and we have no doubt it is well meant; but is it punishment? We were most struck, in reading the Evidence of the Jail Committee before the House of Commons, with the opinions of the jailer of the Devizes jail, and with the practice of the Magistrates who superintend it. *

'Mr T. Brutton, *Governor of the Gaol at Devizes.*—Does this confinement in solitude make prisoners more averse to return to prison? I think it does.—Does it make a strong impression upon them? I have no doubt of it.—Does it make them more obedient and orderly while in gaol? I have no doubt it does.—Do you consider it the most effectual punishment you can make use of? I do.—Do you think it has a greater effect upon the minds of prisoners, than any apprehensions of personal punishment? I have no doubt of it.—Have you any dark cells for the punishment of refractory prisoners? I have.—Do you find it necessary occasionally to use them? Very seldom.—Have you, in any instance, been obliged to use the dark cell, in the case of the same prisoner, twice? Only on one occasion, I think.—What length of time is it necessary to confine

* The Winchester and Devizes jails seem to us to be conducted upon better principles than any other, though even these are by no means what jails should be.

a refractory prisoner to bring him to his senses? Less than one day. —Do you think it essential, for the purpose of keeping up the discipline of the prison, that you should have it in your power to have recourse to the punishment of dark cells? I do; I consider punishment in a dark cell for one day, has a greater effect upon a prisoner than to keep him on bread and water for a month.'—*Evidence before the Committee of the House of Commons in* 1819, p. 359.

The evidence of the Governor of Glocester jail is to the same effect.

'Mr Thomas Cunningham, *Keeper of Glocester Gaol.*—Do you attribute the want of those certificates entirely to the neglect of enforcing the means of solitary confinement? I do most certainly. Sometimes, where a certificate has not been granted, and a prisoner has brought a certificate of good behaviour for one year, Sir George and the Committee ordered one pound or a guinea from the charity. —Does that arise from your apprehension that the prisoners have not been equally reformed, or only from the want of the means of ascertaining such reformation? It is for want of not knowing; and we cannot ascertain it, from their working in numbers.—They may be reformed? Yes, but we have not the means of ascertaining it. There is one thing I do which is not provided by the rules, and which is the only thing in which I deviate from the rules. When a man is committed for a month, I never give him any work; he sits in solitude, and walks in the yard by himself for air; he has no other food but his bread and water, except twice a week a pint of peas soup. I never knew an instance of a man coming in a second time, who had been committed for a month. I have done that for these seventeen or eighteen years.—What has been the result? They dread so much coming in again. If a man is committed for six weeks, we give him work.—Do you apprehend that solitary confinement for a month, without employment, is the most beneficial means of working reform? I conceive it is.—Can it operate as the means of reform, any more than it operates as a system of punishment? It is only for small offences they commit for a month.—Would not the same effect be produced by corporal punishment? Corporal punishment may be absolutely necessary sometimes; but I do not think corporal punishment would reform them so much as solitary confinement.—Would not severe corporal punishment have the same effect? No, it would harden them more than any thing else.—Do you think benefit is derived from the opportunity of reflection afforded by solitary confinement? Yes.—And very low diet also? Yes.'—*Evidence before the Committee of the House of Commons in* 1819, p. 391.

We must quote also the evidence of the Governor of Horsley jail.

'Mr William Stokes, *Governor of the House of Correction at Horsley.*—Do you observe any difference in the conduct of prisoners who are employed, and those who have no employment? Yes, a good deal; I look upon it, from what judgment I can form, and I

have been a long while in it, that to take a prisoner and discipline him according to the rules as the law allows, and if he have no work, that that man goes through more punishment in one month, than a man who is employed and receives a portion of his labour three months; but still I should like to have employment, because a great number of times I took men away, who have been in the habit of earning sixpence a week to buy a loaf, and put them in solitary confinement; and the punishment is a great deal more without work. —Which of the prisoners, those that have been employed, or those unemployed, do you think would go out of the prison the better men? I think, that let me have a prisoner, and I never treat any one with severity, any further than that they should be obedient, and to let them see that I will do my duty, I have reason to believe, that, if a prisoner is committed under my care, or any other man's care, to a house of correction, and he has to go under the discipline of the law, if he is in for the value of a month or six weeks, that man is in a great deal better state than though he stays for six months: he gets hardened by being in so long, from one month to another. You are speaking now of solitude without labour; do you think he would go out better, if he had been employed during the month you speak of? No, nor half; because I never task those people, in order that they should not say I force them to do more than they are able, that they should not slight it; for, if they perform any thing in the bounds of reason, I never find fault with them: The prisoner who is employed, his time passes smooth and comfortable, and he has a proportion of his earnings, and he can buy additional diet; but if he has no labour, and kept under the discipline of the prison, it is a tight piece of punishment to go through. Which of the two should you think most likely to return immediately to habits of labour on their own account? The dispositions of all men are not alike; but my opinion is this, if they are kept and disciplined according to the rules of the prison, and have no labour, that one month will do more than six; I am certain, that a man who is kept there without labour once, will not be very ready to come there again.—*Evidence before the Committee of the House of Commons*, pp. 398–9.

Mr Gurney and Mr Buxton both lay a great stress upon the quiet and content of prisoners, upon their subordination and the absence of all plans of escape; but, where the happiness of prisoners is so much consulted, we should be much more apprehensive of a conspiracy to break into, than to break out of, prison. The mob outside may, indeed, envy the wicked ones within; but the felon who has left, perhaps, a scolding wife, a battered cottage, and six starving children, has no disposition to escape from regularity, sufficient food, employment which saves him money, warmth, ventilation, cleanliness, and civil treatment. These symptoms, upon which these respectable and excellent men lay so much stress, are by no means proofs to us that prisons are placed upon the best possible footing.

The Governor of Bury jail, as well as Mr Gurney, insist much upon the few prisoners who return to the jail a second time, the manufacturing skill which they acquire there, and the complete reformation of manners, for which the prisoner has afterwards thanked him the governor. But this is not the real criterion of the excellence of a jail, nor the principal reason why jails were instituted. The great point is, not the average recurrence of the same prisoners; but the paucity, or frequency of commitments, upon the whole. You may make a jail such an admirable place of education, that it may cease to be infamous to go there. Mr Holford tells us (and a very curious anecdote it is), that parents actually accuse their children falsely of crimes, in order to get them into the Philanthropic Charity! and that it is consequently a rule with the Governors of that Charity, never to receive a child upon the accusation of the parents alone. But it is quite obvious what the next step will be, if the parents cannot get their children in by fibbing. They will take good care that the child is *really* qualified for the Philanthropic, by impelling him to those crimes which are the passport to so good an education.

'If, on the contrary, the offender is to be punished simply by being placed in a prison, where he is to be well lodged, well clothed, and well fed, to be instructed in reading and writing, to receive a moral and religious education, and to be brought up to a trade; and if this prison is to be within the reach of the parents, so that they may occasionally visit their child, and have the satisfaction of knowing, from time to time, that all these advantages are conferred upon him, and that he is exposed to no hardships, although the confinement and the discipline of the prison may be irksome to the boy; yet the parents may be apt to congratulate themselves on having got him off their hands into so good a birth, and may be considered by other parents as having drawn a prize in the lottery of human life by their son's conviction. This reasoning is not theoretical, but is founded in some degree upon experience. Those who have been in the habit of attending the Committee of the Philanthropic Society know, that parents have often accused their children of crimes falsely, or have exaggerated their real offences, for the sake of inducing that Society to take them; and so frequent has been this practice, that it is a rule with those who manage that Institution, never to receive an object upon the representation of its parents, unless supported by other strong testimony.'—*Holford*, pp. 44–5.

It is quite obvious that, if men were to appear again, six months after they were hanged, handsomer, richer, and more plump than before execution, the gallows would cease to be an object of terror. But here are men who come out of jail, and say, 'Look at us, we can read and write, we can make baskets and shoes, and we went in ignorant of every thing: and

we have learnt to do without strong liquors, and have no longer any objection to work; and we did work in the jail, and have saved money, and here it is.' What is there of terror and detriment in all this? and how are crimes to be lessened if they are thus rewarded? Of schools there cannot be too many. Penitentiaries, in the hands of wise men, may be rendered excellent institutions; but a prison must be a prison—a place of sorrow and wailing; which should be entered with horror, and quitted with earnest resolution never to return to such misery: with that deep impression, in short, of the evil, which breaks out into perpetual warning and exhortation to others. This great point effected, all other reformation must do the greatest good.

There are some very sensible observations upon this point in Mr Holford's book, who upon the whole has, we think, best treated the subject of prisons, and best understands them.

'In former times, men were deterred from pursuing the road that led to a prison, by the apprehension of encountering there disease and hunger, of being loaded with heavy irons, and of remaining without clothes to cover them, or a bed to lie on; we have done no more than what justice required in relieving the inmates of a prison from these hardships; but there is no reason that they should be freed from the fear of all other sufferings and privations: And I hope that those whose duty it is to take up the consideration of these subjects, will see, that in Penitentiaries, offenders should be subjected to separate confinement, accompanied by such work as may be found consistent with that system of imprisonment; that in Gaols or Houses of Correction, they should perform that kind of labour which the law has enjoined; and that, in prisons of both descriptions, instead of being allowed to cater for themselves, they should be sustained by such food as the rules and regulations of the establishment should have provided for them: in short, that prisons should be considered as places of punishment, and not as scenes of cheerful industry, where a compromise must be made with the prisoner's appetites to make him do the common work of a journeyman or manufacturer, and the labours of the spinning-wheel and the loom must be alleviated by indulgence.' *

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* 'That I am guilty of no exaggeration in thus describing a prison conducted upon the principles now coming into fashion, will be evident to any person who will turn to the latter part of the article, "Penitentiary, Millbank," in Mr Buxton's Book on Prisons. He there states what passed in conversation between himself and the Governor of Bury gaol, (which gaol, by the by, he praises as one of the three best prisons he has ever seen, and strongly recommends to our imitation at Millbank.) Having observed, that the Governor of Bury gaol had mentioned his having counted 34 spinning-wheels in

This is good sound sense; and it is a pity that it is preceded by the usual nonsense about '*the tide of blasphemy and sedition.*' If Mr Holford is an observer of tides and currents, whence comes it that he observes only those which set one way? Whence comes it that he says nothing of the tides of canting and hypocrisy, which are flowing with such rapidity?—of abject political baseness and sycophancy—of the disposition, so prevalent among Englishmen, to sell their conscience and their country to the Marquis of Londonderry for a living for the second son—or a silk gown for the nephew—or for a frigate for my brother the captain? How comes our loyal carcerist to forget all these sorts of tides?

There is a great confusion, as the law now stands, in the government of jails. The Justices are empowered, by several

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full activity when he left that gaol at 5 o'clock in the morning on the preceding day, Mr Buxton proceeds as follows—"After he had seen the Millbank Penitentiary, I asked him what would be the consequence, if the regulations there used were adopted by him?" "The consequence would be" he replied, "that every wheel would be stopped." Mr Buxton then adds, "I would not be considered as supposing that the prisoners will altogether refuse to work at Millbank—they will work during the stated hours; but the present incentive being wanting, the labour will, I apprehend, be languid and desultory." I shall not, on my part, undertake to say that they will do as much work as will be done in those prisons in which work is the primary object; but, besides the encouragement of the portion of earnings laid up for them, they know that diligence is among the qualities that will recommend them to the mercy of the Crown, and that the want of it is, by the rules and regulations of the prison, an offence to be punished. The Governor of Bury gaol, who is a very intelligent man, must have spoken hastily, in his eagerness to support his own system, and did not, I conceive, give himself credit for as much power and authority in his prison as he really possesses. It is not to be wondered at, that the keepers of prisons should like the new system: there is less trouble in the care of a manufactory than in that of a gaol; but I am surprised to find that so much reliance is placed in argument on the declaration of some of these officers, that the prisoners are quieter where their work is encouraged, by allowing them to spend a portion of their earnings. It may naturally be expected, that offenders will be least discontented, and consequently least turbulent, where their punishment is lightest, or where, to use Mr Buxton's own words, "by making labour productive of comfort or convenience, you do much towards rendering it agreeable;" but I must be permitted to doubt, whether these are the prisons of which men will live in most dread.'—*Holford*, pp. 78–80.

statutes, to make subordinate regulations for the government of the jails; and the Sheriff supersedes those regulations. Their respective jurisdictions and powers should be clearly arranged.

The female prisoners should be under the care of a Matron, with proper assistants. Where this is not the case, the female part of the prison is often a mere brothel for the turnkeys. Can any thing be so repugnant to all ideas of reformation, as a male turnkey visiting a solitary female prisoner? Surely, women can take care of women as effectually as men can take care of men; or, at least, women can do so properly, assisted by men. This want of a matron is a very scandalous and immoral neglect in any prison system.

The presence of female visitors, and instructors for the women, is so obviously advantageous and proper, that the offer of forming such an institution must be gladly and thankfully received by any body of magistrates. That they should feel any jealousy of such interference, is too absurd a supposition to be made or agreed upon. Such interference may not effect all that zealous people suppose it will effect; but, if it does any good, it had better be.

Irons should never be put upon prisoners before trial; after trial, we cannot object to the humiliation and disgrace which irons and a particoloured prison dress occasion. Let them be a part of solitary confinement, and let the words 'Solitary Confinement,' in the sentence, imply permission to use them. The judge then knows what he inflicts.

We object to the office of Prison Inspector, for reasons so very obvious, that it is scarcely necessary to enumerate them. The prison inspector would, of course, have a good salary; that, in England, is never omitted. It is equally matter of course that he would be taken from among Treasury retainers; and that he never would look at a prison. Every sort of attention should be paid to the religious instruction of these unhappy people; but the poor chaplain should be paid a little better;—every possible duty is expected from him—and he has one hundred per annum.

Whatever money is given to prisoners, should be lodged with the governor for their benefit, to be applied as the visiting magistrates point out—no other donations should be allowed or accepted.

If voluntary work before trial, or compulsory work after trial, is the system of a prison, there should be a task-master; and it should be remembered, that the principal object is not profit.

Wardsmen, selected in each yard among the best of the prisoners, are very serviceable. If prisoners work, they should

work in silence. At all times, the restrictions upon seeing friends should be very severe; and no food should be sent from friends.

Our general system then is—that a prison should be a place of real punishment; but of known, enacted, measureable, and measured punishment. A prisoner (not for assault, or refusing to pay parish dues, but a bad felonious prisoner), should pass a part of his three months in complete darkness; the rest in complete solitude, perhaps in complete idleness, (for solitary idleness leads to repentance, idleness in company to vice.) He should be exempted from cold, be kept perfectly clean, have sufficient food to prevent hunger or illness, wear the prison dress and moderate irons, have no communication with any body but the officers of the prison and the magistrates, and remain otherwise in the most perfect solitude. We strongly suspect this is the way in which a bad man is to be made afraid of prisons; nor do we think that he would be less inclined to receive moral and religious instruction, than any one of seven or eight carpenters in jail, working at a common bench, receiving a part of their earnings, and allowed to purchase with them the delicacies of the season. If this system is not resorted to, the next best system is severe work, ordinary diet, no indulgences, and as much seclusion and solitude as are compatible with work;—always remarking, that perfect sanity of mind and body are to be preserved.

To this system of severity in jails there is but one objection. The present duration of punishments was calculated for prisons conducted upon very different principles;—and if the discipline of prisons was rendered more strict, we are not sure that the duration of imprisonment would be practically shortened; and the punishments would then be quite atrocious and disproportioned. There is a very great disposition, both in Judges and Magistrates, to increase the duration of imprisonment; and, if that is done, it will be dreadful cruelty to increase the bitterness as well as the time. We should think, for instance, six months solitary imprisonment to be a punishment of dreadful severity; but we find, from the House of Commons' Report, that prisoners are sometimes committed by county Magistrates for two years * of solitary confinement. And so it may be doubted, whether it is not better to wrap up the rod in flannel, and make it a plaything, as it really now is, than to show how it may be weilded with effectual severity. For the pupil, instead of giving one or two stripes, will whip his patient to death. But if this abuse were guarded against, the real way to improve would be, now

* House of Commons Report, 355.

we have made prisons healthy and airy, to make them odious and austere—engines of punishment, and objects of terror.

In this age of charity and of prison improvement, there is one aid to prisoners which appears to be wholly overlooked; and that is, the means of regulating their defence, and providing them witnesses for their trial. A man is tried for murder, or for house-breaking or robbery, without a single shilling in his pocket. The nonsensical and capricious institutions of the English law prevent him from engaging counsel to speak in his defence, if he had the wealth of Crœsus; but he has no money to employ even an attorney, or to procure a single witness, or to take out a subpœna. The Judge, we are told, is his counsel;—this is sufficiently absurd; but it is not pretended that the Judge is his witness. He solemnly declares that he has three or four witnesses who could give a completely different colour to the transaction; but they are 60 or 70 miles distant, working for their daily bread, and have no money for such a journey, nor for the expense of a residence of some days in an Assize town. They do not know even the time of the Assize, nor the modes of tendering their evidence if they could come. When every thing is so well marshalled against him on the opposite side, it would be singular if an innocent man, with such an absence of all means of defending himself, should not occasionally be hanged or transported; and accordingly we believe that such things have happened. * Let any man, immediately previous to the Assizes, visit the prisoners for trial, and see the many wretches who are to answer to the most serious accusations, without one penny to defend themselves. If it appeared probable, upon inquiry, that

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* From the Clonmell Advertiser it appears, that John Brien, *alias* Captain Wheeler, was found guilty of murder at the late assizes for the county of Waterford. Previous to his execution he made the following confession.

'I now again most solemnly aver, in the presence of that God by whom I will soon be judged, and who sees the secrets of my heart, that only three, viz. Morgan Brien, Patrick Brien, and my unfortunate self, committed the horrible crimes of murder and burning at Ballygarron, and that the four unfortunate men who have before suffered for them, were not in the smallest degree accessary to them. I have been the cause for which they have innocently suffered death. I have contracted a debt of justice with them—and the only and least restitution I can make them, is thus publicly, solemnly, and with death before my eyes, to acquit their memory of any guilt in the crimes for which I shall deservedly suffer!!!'—*Philanthropist, No. 6*, 208.

Pereunt et imputantur.

these poor creatures had important evidence which they could not bring into Court for want of money, would it not be a wise application of compassionate funds, to give them this fair chance of establishing their innocence? It seems to us no bad *finale* of the pious labours of those who guard the poor from ill treatment during their imprisonment, to take care that they are not unjustly hanged at the expiration of the term.

Art. III. *Substance of Lectures on the Ancient Greeks, and on the Revival of Greek Learning in Europe.* By the late Andrew Dalzel, A. M. F. R. S. E. Professor of Greek in the University of Edinburgh. 2 Vols. pp. 904. Constable & Co., Edinburgh.

There is not a wider difference in all nature, than between those who read to learn, and those who consume their whole lives and opportunities in learning to read. Yet there are no two classes of beings more constantly confounded with each other. The world often makes the mistake,—and the parties in question always. The merest hacks and drudges in the cause,—those who tussle for the goat's-wool,—the Stocks and Bardi of alternate annotation,—the lords of Antispast and friends to Double-dochmee,—the running footmen who are meant to clear the path, but oftener stumble and incumber it,—are always, like Pussy's master in the fairy-tale, endeavouring to play the Marquis; and, by dint of large words and local knowledge, too frequently succeed.

It is deplorable that this should be the case; but it need not astonish us. So much importance attaches to preliminary discipline, when it is to lead to noble ends,—it is so essential to make the basis sound if you would have the superstructure beautiful,—that our eyes are sometimes fixed upon initial operations, and mistake for architects the spade and dibble-men, who are only set to grub round the bottom of the fabric from their sheer incapability for rising higher. Thus pedantry grows famous, and impotence looks strong; while real learning and genuine vigour are hardly recognised, or stinted of their praise.

This stain has adhered, with peculiar tenacity, to the department of Classical Literature. During the first dawnings of returning light which broke in upon the ages of darkness;—when an Aretinus or Chrysoloras in one quarter, were recovering for an astonished world the sublimity of Homer and the eloquence of Cicero,—and Erigena, the Scot, in another, was kindling the torch of science on the banks of the Isis;—it was

natural enough that the merits of comment, conjecture and transcription, and all the turns and varieties of verbal criticism, should be rated far beyond their worth. Words, for the time, were of more actual value than things:—every page, every sentence, that bore the impress of antiquity, brought a fresh accession of light, and a new stimulant of ambition to mankind. There was an impulse of universal improvement which letters accelerated instead of retarding. Even in those days, Barlaamus trained the genius of Petrarch,—Leontius was the teacher of Boccace,—and the grammatical writings of Gaza teemed with truths, which were to instruct and benefit, at a later epoch, the philosophic author of Hermes. Men much inferior to these enjoyed a great, though transient, reputation. That a being of the same form and dimensions as themselves should know a *gamma* from a *tau*,—decipher manuscripts, or unriddle contractions,—formed the wonder and delight of crowds. Unfortunately, the effects of such a state of things remained long after the cause had ceased to operate. The mantle of the Scholiasts fell upon the Monks; and they transmitted it, with all its virtue, to the pedants of future generations. Classical learning was long a species of hereditary slavery; and the sons of the bondswoman gloried in their chains. It is under this sort of oppression that men forget the use of their understandings: they are more solicitous to show what they *know* than what they *think*:—they reason from memory, and speak in quotation. And wherever the babble of vain and trifling criticism is still received as a current dialect, or the elaborate freaks of monkish or classical absurdity are recognised as legitimate objects of veneration, we may rest assured that only too just a handle is afforded for the gibes of that scoffing race, who, struck with some of the monstrous follies that have grown out of Ancient Literature, have proceeded to decry it altogether, as wholly useless and irrational.

It is very recently indeed, that improved judgment and riper sense have been permitted to do away with some of these excrescences in the most celebrated nurseries of Ancient Learning. In that University, especially, which is considered as the peculiar patroness and guardian of Classical Knowledge, a system of Education is at length pursued, better calculated than any which has hitherto been known, to attain the true end and object of the studies there encouraged. Even there, however, there are still left some *vestigia ruris*—some relics of imperfection or absurdity. The rudiments of Mathematics are still the height of the student's attainment; and the barbarisms of the monkish logic have not yet been hounded from the schools. But it must be conceded to Ox-

ford, that her general course of *classical* instruction is *now* conducted on a very liberal and enlightened plan. Conscious at last that it is not the grand or ultimate aim of Education to turn out into the world shoal upon shoal of small commentators or literary Eadys, and that there is something better in human knowledge than even Bentley or Scaliger ever reached, she labours to form in her pupils, as far as classical tuition can do it, the elements of accomplished scholarship and liberal ambition. She may safely appeal to the public examinations for honours, as a striking test of the justice of this eulogium. The Examiners are, in many instances, men of enlarged views and considerable talent: and the candidate for distinction must have something more than glossary learning or a faithful memory, to obtain the laurel at their hands. The dictates of Aristotle and Plato are no longer to be stated as authoritative truths:—the Examinee must have analysed their systems with a good deal of sceptical rigidity, compared them with the advanced state of Moral Science in modern times, and prepared himself to point out their inconsistencies and errors as well as their beauties. His views of Ancient History, in like manner, must not have been confined to a mere deglutition of dates and facts:—he must have philosophized upon the authors perused, and entered into the details of antiquity with somewhat of the spirit of political speculation. The general literature of Greece and Rome, to a pretty wide extent, must have been studied with similar views, —illustration, and a power of critical discernment, at least *en passant*, must be displayed; and the student must evince that he has *felt* as well as understood. The chief merit of this system appears to be, that though *industry* must necessarily have been united with talent to ensure success, *stupid industry* will very rarely be successful. A young man who has carried off the highest honours of the schools at Oxford, will not *always* be a finished scholar, and not *often* an Encyclopædia of general information; but he will be found with quite enough of critical scholarship for the most learned avocations,—with his mind in a proper state of ferment and anxiety for further knowledge,— and with an expansion of intellect, and a maturity of taste, which, less than twenty years ago, we might have looked for in vain as the fruits of University instruction.

If our readers could understand the thorough satisfaction with which we pay this tribute to the present state of classical discipline at Oxford, they would comprehend with how much justice we have been sometimes accused of wishing ill to that famous University. Even that malignant dulness which formerly took so much pains to misrepresent, in order to revile

our spirit towards the Body it continues to disgrace, might learn to blush for its poor perversions and witless insincerity. Such faults as still adhere to a system so much improved, are not to be denied with paltry equivocation, or defended with obstinate folly. They must be REFORMED;—and none will hail, with greater joy than ourselves, the arrival of a time when we may admire without winking, and applaud without reservation.

It is under such an aspect as we have been describing,—so purged of pedantry, and so directed to great and liberal ends,—that Classical Learning may hope to obtain a wider diffusion than it enjoys at present in our part of the Island, and that we can cordially and conscientiously wish to see it so diffused. As far as Roman Literature is concerned, Scotland has always maintained a very exalted character. Our Southern neighbours have few scholars who would have ranked with our lamented Gregory, and not one name to match with Buchanan. But the higher and more hallowed fountains from which all Roman Literature flowed, have been less eagerly visited, and less carefully explored. Perhaps the reasons are obvious enough which have obstructed, and, comparatively speaking, prevented the progress of Greek Learning among us. They are to be found, partly in the nature of our Church Establishment, and partly in the forms of our Academical tuition. In England, the Church is the main support, and her munificent endowments form the final cause, of learning. A fair proficiency in Greek is required at the very entrance of her pale,—and then among her Stalls, and Mitres, and fat Benefices, and other comfortable things, the few which are every now and then bestowed upon real merit and attainments, operate in a wide circle as vouchers to Hope, and spurs to Industry. With us, on the other hand, for wise reasons, and with effects, though in a different way, to the full as beneficial, the ecclesiastical profession is stripped of all those splendid and substantial attractions which incite the ardour of Southern divines. To rise, by virtue of that sacred title, a few steps above the rank in which he may have been born, in order to exercise, with more effect, the purest Christian zeal, and the most truly pastoral care, is within the ambition of every man,—while to soar, by dint of genius or labour, to lofty station and lucrative preferment, is beyond the reach of any. Hence the very general distribution of knowledge to a certain degree of excellence, and, at the same time, the extreme rarity of every thing approaching to perfection. Men cannot be expected to undergo the requisite toil without the prospect, or at least the chance, of proportionate advantage.

But in lieu of Stalls, Mitres, and fat Benefices, there is something still to animate a Scotsman's exertions in the field of Learning. They must spring from brighter views and nobler aspirations. We may at least hold up to his ambition those high hopes and purified desires that have filled and fired exalted souls in every age. Present eminence and future fame,—be they shapes or phantoms, illusions or realities,—have *this* solid and permanent advantage:—they will ever be for generous spirits the cheap substitute of baser impulses; and, as an easy purchase of national distinction, may be promised without fear, as they may be paid without extravagance.

Once allow Classical Learning in Scotland to be rated at its true price, and honoured with a just degree of consideration, and we ask no more by way of incentive. The Scotch character is peculiarly well fitted to perceive the right objects, and to make the proper use, of Ancient Literature. With too much severity of judgment to estimate it at an exaggerated value, and too great a horror of rash conclusions, to be misled by flimsy or unsound analogies, it has all that shrewdness of remark which seizes instantaneously upon the useful part of whatever is submitted to its scrutiny, and all that taste and genuine enthusiasm which leads the elegant scholar, in studying the glorious models of antiquity, rather to imitate than worship, and rather to emulate than imitate. If Greek Learning were as highly cultivated in Scotland as we wish to see it, we should have more Joneses and Tweddells than Monks or Blomfields, and more Grenvilles and Wellesleys than either.

But there is another formidable obstacle to such progress, and unluckily it stands upon the threshold. In many branches of knowledge, Prelection is the best, and in some the only feasible method of instruction. But all theory, and, what is much stronger, all experience, declare against its use as a chief or solitary mode of Classical tuition. In the Latin language, however, the Scotch Students at our Universities have, for the most part, been so admirably grounded at the Grammar-School, that they are in general quite fit to follow the rapid course of a Professor, and receive benefit from his loftiest lucubrations. From the High School of this city, in particular, where, under the system established by the late eminent Rector, elegance has been ingrafted upon strength, the youths come forth full-fledged, and ready to accompany the boldest flights of the Professor of Humanity. But it is only too notorious, that boys at our schools are not equally well grounded in the Greek Language,—and, even if they were so, in proportion to the time bestowed upon this important branch, every one who has studied the Greek Classics

with attention, knows very well how much more difficult it is to attain perfection in the grammar,—familiarity with the idioms, —in short, an adequate acquaintance with the frame and structure of that copious, refined, and complicated tongue. The consequence is, that young men come to College by no means qualified to profit by a system which is restricted to public lecturing and occasional examination: And though we heartily concur with Mr Dalzel in his contempt for that 'bastard sort of classical learning, confined to philology and verbal criticism,—that overlooks all fine taste, and all beauty of composition,'—we are convinced, that so distinguished a scholar as that celebrated man must have wished, as much as ourselves, to see a little more close and familiar instruction *united* with the system of Prelection, which, by itself, does, and *can do*, so little good. We have no desire to see Prelection superseded altogether; and we shall shortly explain in what manner we think it may be rendered highly useful, and even necessary,—but we confess a very strong desire to see it seconded by some method, by which more accurate knowledge may be communicated, and a more certain progress ensured.

There is no reason upon earth why, out of two or three hundred pupils who usually attend the class of one of our Greek Professors, and remain two or three winters in attendance, there should not be produced as large a proportion of sound and elegant scholars as out of a similar number of students at an English University. It is only necessary that a little more trouble should be taken, and a little more activity displayed, than is required at present in the occupants of our Greek chairs. Let them blend something of the character of an English tutor with the dignity of a Scotch Professor, and the business will be done. There is nothing to alarm the most apprehensive nerves in the idea thus thrown out. Of the students in our Greek Classes, there are so many who come from mere compulsion,—so many who come to hear little else than the literary disquisitions, or critical remarks of the Professor,—and so many whom stupidity or idleness will prevent from seizing the opportunities offered them, or to whom other branches of knowledge are so much more essential, that they have little time to spare for the cultivation of Greek letters,—that the number to be instructed in the *additional* hours of more intimate tuition will seldom be considerable. It is to such as really aim at a high proficiency in classical learning,—who properly appreciate its value, and can afford time for its pursuit,—that we would have the Professor devote a portion of that plentiful leisure which remains to him after the discharge of the ordinary duties of the Chair.

The attendance at these hours must, of course, be wholly voluntary, and might even be proposed as the reward of good conduct and diligence in the usual routine of the Class. In a connexion of this nature between the Teacher and his Pupils, the latter gain sufficient confidence to show what may be working in their minds—to start their own ideas—and to have a thousand trains of thought awakened, and a thousand erroneous notions checked, which would remain unobserved and unrectified in the business of a public lecture. Whatever be the book read, or the subject under discussion, it is in such intercourse, and in such intercourse alone, that the Instructor can gain a thorough knowledge of the Pupil's capability, or the Pupil derive a lasting benefit from the Instructor's skill. We do not pretend to deny that the adoption of this plan would very much increase the labours of the office in question; but when we see the tutors of the English Universities, with not a fourth of the emolument, dedicating seven or eight hours every day, for more than half the year, to the business of tuition, we must think it rather hard that a Scotch Professor, with an ample income, honourable rank, and six months vacation, cannot do as much to promote the great cause of Greek Learning in his native country. The beginning of this article has pretty decidedly expressed our contempt for mere verbal scholarship, and the mechanical pedantry of learned ignorance; but we are very conscious, at the same time, how painful a progress, and how insufficient a knowledge, are the uniform consequences of a loose and random method of instruction. He that *stops* with grammar, has never tried his strength,—he that would dash on without it, will soon discover his weakness. We have here simply sketched out the general outline of what we conceive would form a great and useful addition to the plan of education now pursued in our Greek Classes:—the details would, of course, be filled up and modified according to the practical experience of the Professor. A good deal of vigour, attention, and enthusiasm, would be required to give full effect to such a system; but we think the object quite important enough to warrant the desire that such qualities may be forthcoming; and we venture to predict that the success would correspond with our most sanguine expectations. *

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* The person who shall succeed the late Mr Young, in the Greek Chair at Glasgow, will find it a most arduous task to support the fame which that Chair has acquired from the long labours of so distinguished a Professor. Few, indeed, can hope to rival the splendid abilities, and profound erudition, of a man who reflected so much

We repeat, that, in conjunction with this system, the ordinary method of Prelection would be not only useful, but indispensable. Constituted as the Northern Universities are, it would be foolish and extravagant to wish for such a revolution as would produce any thing analogous to the Oxford Examination for Degrees. But all the benefits, and even more than the benefits, which result from these examinations, may be attained by a right use of the powers which a Public Lecture places in the hands of the Professor. The same emulation may be excited by examining the pupils in public, and thus allowing them an opportunity of displaying their attainments,—and perhaps a scale of honours, resembling the College distinctions at Cambridge, might be introduced at the close of each session, for which the elder pupils might openly compete. In the course of public lecturing, likewise, the Professor finds an opportunity of conveying a vast deal of information (though we think the range taken under the present system a little too wide) upon points which his hearers have not sufficient reading, or sufficient ripeness of judgment, to make out for themselves. It is thus, too, that he can give them occasional glimpses of those classical delights, to which an accurate knowledge of the Greek language forms the only avenue, and which act upon the youth that is toiling at the rudiments of Atticism, in the same manner as a transient peep at the interesting truths of Natural Philosophy may be supposed to operate upon a learner in the fifth book of his Euclid. Such stimulants have great effect in a noviciate, especially when they are administered with all the emphasis of real enthusiasm. The only restraint we wish to see imposed upon such flights, is, that they should not extend too far, and that they should grow properly and naturally out of the subject in hand. We think it a great waste of time to take up hour

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lustre upon his own situation, and the University in general. Whoever may be elected to succeed him, we have no doubt that the choice will do honour to the judgment of the Electors; but it seems to us, that his only chance of maintaining the reputation of the Class, will be, by adopting some method similar to what we have pointed out. We believe that too great refinement for the mass of his hearers was Mr Young's only fault:—Such refinement would answer very well in a private lecture, with a smaller number of pupils, where every notion would be analyzed, explained, and enforced, as soon as questioned, in the free intercourse and close discussions we would recommend. We shall look upon the proceedings of the new Professor with great interest and attention; and we sincerely hope to be able to hail his labours as the commencement of a fresh era in the Classical Education of the Scotch Universities.

after hour on the comparative anatomy of Homer and Tasso, or Virgil and Theocritus—in quotations from Akenside and lectures on Monimia. The Professor of Greek has no business to trespass upon the province of the Professor of Rhetoric: and if he do his duty properly, will find perfect occupation for his whole time, without consuming it in feeble comment or fruitless dissertation.

If the munificence of future times should ever add to the means which our Colleges already offer for the successful culture of classical learning, the encouragement of such endowments as are so liberally provided in the English Universities, we have no doubt that the intentions of the founders would be very rarely frustrated, and that the results of their bounty would prove extremely beneficial. At least, if this patronage and preferment were to be conferred in the same manner as *all* the patronage the Scotch Colleges at present possess is uniformly bestowed, we might confidently anticipate the unvaried exercise of impartial justice, and the regular promotion of merit. It is a proud thing for a Scotsman to look to the Professorships of our Universities, and to observe the general equity with which they are awarded to industry and genius, in whatever hands the right of election may happen to be vested. Let any man cast his eye over the list of illustrious names which grace our academic annals, and when he finds in every quarter such men as Reid, Stewart, Young, Dalzel, Gregory, Leslie, Playfair, Miller, Blair, Brown, and a crowd of others of equal, or nearly equal, reputation with these, he may spare us the trouble of predicting, that Scholarships and Fellowships, Bursaries and Exhibitions, if once founded in the Northern Universities, would be bestowed with similar good taste, and might produce an abundant harvest of emulative excellence.

In *this* respect, at any rate, we should not seek to model our practice upon the example of the English Universities. In that University, especially, to which some of our preceding observations have applied, the disposal of Fellowships, and other preferment, is conducted on a plan rather different from what we should think it right to recommend. In many of the Colleges, by the ludicrous enactments of the founders, fitness for election is restricted to some particular school, diocese, county, or kindred, to which their wisdom has deemed it proper to confine it. Yet, strange to say, it is among the Fellows so chosen alone, that we are to look for men who really deserve to have been eligible, and who almost countenance the folly of this mode of obtaining independence, by the good and active use they make of it. It seems as if, in those academic regions, certainty

were a better stimulus than hope; and that, since peculiar circumstances have given them a claim to the situation, they anticipate it as one in which distinction is to be acquired, and are more intent upon the discipline of their own minds, and the cultivation of the necessary branches of knowledge, than those are likely to be who have to hunt tutors, and canvass for votes in the Colleges where the elections are open. If the scope of Mr Brougham's truly patriotic exertions were to be extended, as we cordially wish to see it, so as to embrace the English Universities, we should hardly so much desire to have his keen and caustic scrutinies directed towards the Colleges in which the elections are close, as towards those which profess to offer their Fellowships to the indiscriminate competition of all learning and ability;—except, indeed, it happen to be Irish. But to the wisdom and humanity of this exception, it is clearly impossible to oppose a single argument. The Brogue is such a black, premeditated crime, that the misjudging infant who lisps those wilful accents, is fairly doomed to a youth of beggary—no ill-imagined training for a life of privations.

It is in *these* half-open institutions, that inquiry would detect the true spirit of the Monkish system in full and flagrant operation. Place power in the hands of a conceited, ignorant, illiberal recluse, and it asks no gift of prophecy to foresee the inevitable consequence. With feline attachment to localities, such a being soon contracts the prudish air and treacherous propensities of the retromingent animal from which that narrow sentiment is imitated. No antiquated virgin more resembles her own tabby in duplicity, malice, and demureness. The sleek disguise of imbecility, the abuse of his miserable rights, the instinctive preservation of his apprehensive egotism from the contact of superior brilliancy, which he knows to be as little catching as gallantry itself, become the first objects in existence with this hater of a joke. The creature must be 'followed, sought, and sued:' taste must listen to its paradoxes, and talent tremble at its frown. Let a young man only abdicate the privilege of thinking—to some no painful sacrifice—and devote his whole body and soul to the sordid ambition of success, and the 'way to win' with such electors is no formidable problem. As an undergraduate, he must comb his hair smooth, avoid cleanliness and essences, be regular at Latin prayers, and sedulous in capping. After a dull examination in the schools—if a failure so much the better—he may begin to be the butt of Common-rooms, circulate tutors' wit, and prose against the Edinburgh Review. With a hopeless virginity of face, sacred from the violence of meaning—

with a manner so nicely balanced between the weight of manhood and the decent levity of youth, that it happily escapes the gracefulness of either—guiltless of fame, originality, or humour—our tyro may then approach the scene of action, secure that the judges will take good care that 'the race shall not be to the swift, nor the battle to the strong.' Hardy professions of impartiality are indeed held forth, to attract unwary merit; and selfish mediocrity finds the most exquisite of all its gratifications in the momentary chance of harassing the talent it would tremble to confront. The candidates are locked up to write themes—solve a Sorites—discover the Latin for an earthquake —and perform other equally edifying tasks:—and the close of this solemn farce is the annunciation of a choice that had been long before determined, in proportion to the scrapings, grins, and genuflections of the several competitors. Who can be surprised if, under a system like this, genius and knowledge should so seldom strike a lasting root? or that the maturity which succeeds to a youth so prostituted, should produce, by its most vigorous efforts, nothing better than learned drivelling, or marrowless inflation? In many, and in very important respects, Oxford has undoubtedly improved upon its former self; but, in all points of right sentiment or liberal feeling, it is still the same University that stripped Locke of a studentship, and refused Johnson a degree.

We must say a few words upon the work whose title stands at the head of this article, though we cannot but regret the appearance of a publication, however meritorious in some respects, which offers nothing to increase the well-earned reputation of the late Mr Dalzel. The elementary criticisms, and judicious selections from the Greek authors, for which we are indebted to the labours of that learned Professor, must always keep their station in this country, and have made their way, in spite of Southern jealousy, into the best academies of England. In the Lectures now given to the world, likewise, there is frequently a propriety of thought, and, throughout, a fine and cordial spirit of liberality and freedom, which must be very gratifying to the admirers of Grecian literature, and entirely accords with the idea generally formed of the accomplished and amiable author. But it is precisely because they were addressed and adapted to the comprehension of a youthful audience; because they were written hastily for oral delivery, and never 'subjected to scrutiny and careful revision;' and because they are in fact not suited to the judgment of persons 'far advanced in literary attainment;' that we do not like to see them stand upon record, as mature, deliberate productions,—to which, in spite of all

prefatory explanations, the press must expose them. In short, though we have no objection that such a work should exist for the use and encouragement of youthful students, we are sorry to see any performance, of no uncommon or superior excellence, associated with the name of DALZEL.

Some of the faults of the volumes now published are to be ascribed to the system of diffuse prelection which has too commonly prevailed, as we before remarked, in the Greek classes of our colleges. In the second volume especially, we find a good deal of trite dissertation on extraneous subjects. Criticism on the qualities and styles, beauties and defects, of the several Greek writers, may be very fairly introduced into the business of the class, together with such remarks on the antiquities of Greece, and such illustrations of her literature, history and manners, as taste and erudition may supply. But why devote whole hours to tame discussions upon pastoral or lyric poetry? to the beauties of Pope, or the pathos of Virgil? Comments upon such topics as these, in a Greek class, should be as rapid, striking, and compressed as possible;—not spun out into commonplace comparison, or remarks that must be obvious to the most infantine capacity. A mere Lecturer on Greek might be allowed to expatiate at will into the field of the Belles Lettres: But a *teacher of Greek* must only scatter here and there a flower or two to beautify the path; and even these should breathe the fragrance of Hymettus, or be gathered on the margin of Cephisus. Without 'going beyond the student's comprehension, or indulging in abstruse speculation and inquiry,' it is surely the great task of scholarship and genius to give simplicity to the product of the deepest researches, and to lavish, with an open hand, those treasures that must be dug with personal pain and labour from the mines of learning. What youths can learn from Lempriere and Potter, it is as well to let Lempriere and Potter teach them:—what requires extensive knowledge and 'minute' investigation, it is the business of the Professor to communicate. In short, it should be his care to interpret, from the wide range of Classical Literature with which he is supposed to be familiar, the particular subjects with which his class may be employed,—rather than to poach on Tooke, or trespass upon Blair. It seems as irrelevant in a Greek Professor to inflict long quotations and poetical systems on his pupils from the chair, as to require Latin odes and English Essays as the exercises to be furnished by *them*.

If we wished to quarrel with these volumes, we might express our surprise at one or two instances of inaccurate scholarship and inconsistent judgment, which are not a little striking. Cau-

tious of conveying false impressions to the youthful mind, our author should not, in one place, describe the Greeks as the most 'polite and virtuous' people that ever existed, and, in another, reproach them with 'insolence and vice of every sort.' So clear-sighted a reasoner as Mr Dalzel should not have connected the *Plague of Athens* with the *Sicilian expedition* as one cause of Athenian weakness and Spartan triumph:—the complete recovery of Athens from the effects of the former having been one concurrent towards her capability of undertaking the latter. Again, we find it affirmed, that 'the Balance of Power was as well understood in ancient as in modern times,'—a most unwarranted deduction from the history of Greece. If there be one fact more certain than another in ancient history, it is this,—that a Permanent Balance of Power, such as modern Europe has seen erected, was an idea which never entered into the head of an ancient politician. A *temporary* equipoise was sometimes attempted; but even that was everlastingly deranged by systematic treachery and unappeasable hate. Thucydides and Xenophon contain quite enough to set this question at rest for ever.—We are astonished, likewise, that an accurate scholar should confound the office of the Chorus in the Greek dramas with that 'of the awkward and greasy figures' who fill the orchestras of our theatres; and who, whatever they might have been in Mr Dalzel's time, are now as clean and civil a set of personages as one would desire to see. But we have neither space nor inclination to run our criticisms very close upon the present occasion. Whatever may be the faults or imperfections of these Lectures, it is something truly delightful to find a work from a man of real learning, unsullied by one single stain of bad feeling, pedantry, or prejudice.

Art. IV. *Report of the Select Committee on Criminal Laws: Ordered by the House of Commons to be printed, July 19th,* 1819. pp. 270.

We cannot but hail with satisfaction the proofs contained in this Report, of the increasing attention of the Legislature to the amendment of our Penal Laws, and the progress of liberal and enlightened notions on the subject in the great body of the people. We say this, because we are convinced that the general discussion of all subjects of public interest leads ultimately to sound and salutary views of them; and besides, we conceive that the manifestation of a strong disposi-

tion to remedy the defects of existing institutions, implies the absence of the only obstacle that can ultimately frustrate its accomplishment. To have the will to benefit or relieve the sufferings of our fellow-creatures, is (in the community at large) to have the power. The power, indeed, is there always; and all that is wanted to give it effect, is the inclination. To have a spirit of inquiry and philanthropy excited, is nearly all that the friend of truth and justice requires; and when we see that spirit excited and in motion, we need not doubt of the results. We are aware that there is a cant of humanity, and a cant of liberality, on this as well as on other subjects; and sorry should we be to learn that this cant was quite exploded; for when there is no longer any cant about a thing, we may be sure the thing itself is pretty well out of fashion; cant, in reality, being nothing but the overacting of pretenders to popular merits. What we have chiefly to guard against, however, on this occasion, is not a spurious zeal, but that callous indifference which discards not only every nice feeling, but every pretension to common humanity; and that bigotted sophistry which takes delight in thwarting every advance in improvement and knowledge.

When, in the year 1775, some friends of humanity in the city of London (merchants and others), began to look into the iniquities of the Slave-trade, and the master of a Guinea trader was indicted for throwing 140 negroes overboard in a time of sickness, literally to prevent their being charged to account, the Solicitor-General of that day took high ground on the occasion, and said, 'he was not to be put down by a false cry of pretended humanity, which had been raised to the prejudice of his client; that the slaves who had been thrown overboard were, in the eye of the law, to all intents and purposes, the property of the owners of the ship, and to be considered like any other part of the cargo; and that he must beg leave to protest against any plausible or highly-coloured descriptions of the odium of the case, as irrelevant to the question, and an insidious appeal from law and reason (which ought to guide the decision of the Court), to the passions and feelings of the multitude.' Now, it would not do at all to take up this tone at present; because, on that question at least, the cant of humanity has in the end triumphed over the loathsome jargon opposed to it. But we may observe the same engines set at work, the same resources of angry invective, or hard-hearted irony employed against every attempt to remove every unabated nuisance. The involuntary burst of indignation which is excited by its first exposure to public notice, is set down as popular clamour; and the expression of pity or disgust at those objects which unavoidably pro-

voke them, is construed into ‘ the language of rhetoric rather than of logic;’ as if, in matters so perfectly indifferent as right and wrong, the natural feelings and sentiments of the human heart were an informality and impertinence! There is no escaping from this battery, but by taking shelter (which is indeed the object aimed at) in the systematic avowal of every species of moral scepticism and political profligacy. The first and most obvious movement of power and prejudice, when it is likely to be driven out of any of its strongholds, is to raise a violent outcry against all innovation, as opening a door to unbounded licentiousness, confusion and disorder, which is ‘ to burst upon us like a Levanter,’ and involve every thing sacred or valuable in social institutions in a common ruin. When alarm will no longer avail, artifice is resorted to: they descend from nicknames and hyperboles to special pleading and chicanery; and the next step in the progress is to profess, not to resist the wishes of the public, but to calm and moderate its eagerness—not to exclude innovation altogether, but to let it in with caution, and by degrees,—to examine, to sift objections, and sit as umpires between the possible and the desirable, between theory and practice; and, under the cover of this profession, to *stultify* the whole proceeding piecemeal, to embarrass, to evade, to demur, to raise difficulties, to ‘ give forked counsel,’ to palliate the worst things, to throw cold water on the most encouraging prospects; in short, ‘ though improvement be improvement, yet to throw such changes of vexation on it, as it may lose some colour;’ and if any thing in the shape of reform *must* come, to let it come as late, and do as little good as possible. Thus it has been proposed, as the result of a grave deliberation on the projected revision of our Criminal Laws, and as one of the lofty speculations of a great master-mind (now no more), not to make any alteration in the laws themselves (with the exception of one or two, too ridiculous and harmless to admit a question), but to alter the arrangement, or to throw them altogether, just as they now stand, into one act, with a new title, and perhaps an index! This, it is thought, might answer to all the conditions of the *minimum* of a reluctant reform, and the *maximum* of a wise legislation!

It looks well, however, for the cause of humanity, when any thing short of the last outrage and abuse is heaped on its advocates, and its very name. We are not disappointed to learn, that the only premeditated attempt to slur the evidence, or to cast a doubt on the fairness of the proceedings in the Committee, has been sanctioned in a quarter, from which it

comes with the least prejudicial effect, and with the best grace in the world!

Before we proceed, we shall be allowed to indulge in one or two general observations, as not unimportant in their bearing on the present subject. The first will relate to the spirit in which (as it appears to us) legislative inquiries should be conducted, either by those who have to suggest, or whose business it is to carry them into effect;—the second, to the progress which has been of late years made in such inquiries, by those who have more particularly made them the objects of their study.

To begin with the first. In the Memoirs of Granville Sharp, lately published, there is an anecdote recorded of the young Prince Naimbanna, well worthy the attention of all unfledged sophists, and embryo politicians.

'The name of a person having been mentioned in his presence, who was understood by him to have publicly asserted something very degrading to the general character of Africans, he broke out into violent and vindictive language. He was immediately reminded of the Christian duty of forgiving his enemies; upon which he answered nearly in the following words:—"If a man should rob me of my money, I can forgive him; if a man should shoot at me, or try to stab me, I can forgive him; if a man should sell me and all my family to a slave-ship, so that we should pass all the rest of our days in slavery in the West Indies, I can forgive him; but" (added he, rising from his seat with much emotion) "if a man takes away the character of the people of my country, I never can forgive him." Being asked, why he would not extend his forgiveness to those who took away the character of the people of his country, he answered—"If a man should try to kill me, or should sell me and my family for slaves, he would do an injury to as many as he might kill or sell; but if any one takes away the character of Black people, that man injures Black people all over the world; and when he has once taken away their character, there is nothing that he may not do to Black people ever after. That man, for instance, will beat Black men, and say, *Oh, it is only a Black man, why should I not beat him?* That man will make slaves of Black people; for when he has taken away their character, he will say, *Oh, they are only Black people, why should I not make them slaves?* That man will take away all the people of Africa if he can catch them; and if you ask him, But why do you take away all these people? he will say, *Oh, they are only Black people—why should I not take them?* That is the reason why I cannot forgive the man who takes away the character of the people of my country." p. 369. —So we conceive, that if we take away the character of the people of this country, or of any large proportion of them, there is no degree of turpitude or injustice that we may not introduce into the measures and treatment which we consider as

most fit for them. To legislate wisely, and for the best, it is necessary that we should think as well, and not as ill, as possible, of those for whom we legislate; or otherwise we shall soon reduce them to the level of our own theories. To treat men as brute beasts in our speculations, is to encourage ourselves to treat them as such in our practice; and that is the way to make them what we pretend to believe they are. To take it for granted that any class of the community is utterly depraved and incorrigible, is not the way either to improve our own treatment of them, or to correct their vicious qualities. And when we see the lower classes of the English people uniformly singled out as marks for the malice or servility of a certain description of writers—when we see them studiously separated, like a degraded *caste*, from the rest of the community, with scarcely the attributes and faculties of the species allowed them,—nay, when they are thrust lower in the scale of humanity than the same classes of any other nation in Europe—though it is to these very classes that we owe the valour of our naval and military heroes, the industry of our artisans and labouring mechanics, and all that we have been told, again and again, elevates us above every other nation in Europe—when we see the *redundant population* (as it is fashionably called) selected as the butt for every effusion of paltry spite, and as the last resource of vindictive penal statutes—when we see every existing evil derived from this unfortunate race, and every possible vice ascribed to them—when we are accustomed to hear the poor, the uninformed, the friendless, put, by tacit consent, out of the pale of society—when their faults and wretchedness are exaggerated with eager impatience, and still greater impatience is shown at every expression of a wish to amend them—when they are familiarly spoken of as a sort of vermin only fit to be hunted down, and exterminated at the discretion of their betters:—we know pretty well what to think, both of the disinterestedness of the motives which give currency to this jargon, and of the wisdom of the policy which should either sanction, or suffer itself to be influenced by its suggestions.

Men do not willingly belie their own forebodings of disaster. There is no malice so strong as the antipathy of ill to good, where it has once taken root and disclosed itself: there is no invention so keen or relentless as that which dreads to be defrauded of its promised repast on vice and misery. On his own showing, the state-physician may be asked to resign his charge, when he pronounces the disorder to be incurable; and to leave the patient to take his chance of a recovery in the hands of those who are more rash, more san-

guine, or more skilful. 'Our final hope' at worst, can be but 'flat despair.'

Secondly, it is common, in speaking of the proposed amendments in this department of our laws, to make a pointed distinction between theory and practice. Now, we beg leave to except against this distinction, in the sense at least in which it is insisted on, nine times out of ten, or in questions of any real difficulty. It is usual to contend, that a thing may hold good in theory, though it is wrong in practice, and that the practice of the law may be good, though every theory is against it. Now, it is so far from being true, that there is any such natural opposition between these things, that if a theory does not answer in practice, it is proof positive that the theory is good for nothing; and no practice can be good that is at variance with sound theory. Theory, indeed, is nothing but assigning the reasons or principles according to which causes and effects are connected together in fact. No theory is good for any thing that is not founded on general observation and experience; and, where this is the case, it *must* hold good generally as a guide or rule to direct our decisions or expectations, if properly applied. On the other hand, if it is partially collected or erroneously applied, it is either unfounded in itself, or does not really affect the point in hand. A vague theory that does not rest on the efficient and essential principles of things, will indeed necessarily deceive us; just as that sort of practice, which is confined to a particular case, can never be made an example or authority for any other. Individual practice, however, it should be observed, is more often and more pointedly at variance with itself than with the wildest theory that could be suggested to explain it.

There are people to be sure, who cannot imagine any thing possible or endurable which is not the actual practice of the time and place and society in which they happen to be born; and who cry out against that as a dangerous and impracticable theory, which is the actual practice, and has been so from time immemorial of some other place, perhaps not twenty miles distant; the inhabitants of which are equally convinced of the impossibility or dreadful consequences of every other practice but their own. This, however, is not reason or experience, but the want of it; sound theory being merely a larger reason, exercised and making its election on a more extended experience or practice, by reducing the clashing instances to some general principles. We every day hear people, for example, in this country, who talk of the comparative advantages of a Monarchy or a Republic, and treat the former as a practical reality, and the other as a mere theory or imagination;—as if a republic was not a thing really existing

in rerum natura—as if Holland and America and Switzerland, and ancient Greece and Rome, had been chimeras conjured up in the fantastic brain of some Utopia-monger—or as if it were no more possible to live under such a form of government than in fire, or on air or under water—because we live under the British monarchy! Our gross actual experience is thus set up as the limit of possibility; and what we approve without knowing the reason, is that which can alone approve itself to the reason of things,—our ignorance and interest being made the standards of truth, of right and wrong; and this we call keeping up the just distinction between theory and practice!

Now, it is exactly in this spirit that we hear people talking of the abolition of Capital Punishment for the most trifling offences, as *a theory* just dropped from the clouds, as a dream of some whimsical and inexperienced enthusiast, who does not know what is going on in the world, or see by what intricate machinery the stealing in a shop to the value of five shillings, or in a dwellinghouse or on a navigable river to the amount of forty shillings, if not punished with death, would lead to the destruction of all law and of all property—for no other reason than that this is the only country upon earth where these offences are ordered to be so punished; and not considering that there are other countries where capital punishment is abolished altogether, which yet hold up their heads and give signs of life; and that, in this very country, the only refuge of security and property, the law which enacts the punishment of such offences, is itself no better than a theory, a mere dead letter: Or, if driven from this ground, they then insist that it is the change from the practice to the theory that is fraught with such tremendous consequences, and should be made with such caution, or not at all; though the abolition, or total alteration of the whole code of penal law in Tuscany, in Austria, and in Russia, was effected by one or two positive edicts, in our own times, as silently and peacefully as 'morning brought by night.' Yet, these are the people who look very wise when the word *theory* is mentioned, and give themselves out for the only solid matter-of-fact reasoners.

The truth indeed is, that pretended practical reasoners are the worst and most mischievous of all others: They 'prefer custom' (or what they have been taught to consider as such) 'before all excellence,' and are uniformly adverse to every scheme that is suggested for the improvement of social institutions. We see the same names (some of them great and grave ones too) opposed successively to the Abolition of the Slave-Trade, to the concession of the Catholic Claims, and to the Amelioration of the Penal Laws,—on the same stale plea of guarding

against innovation and theories. The same set of reasoners, however, when they are so minded, can and do admit of innovations of no small magnitude; so that it would not seem to be the danger of innovation which they so much dread, as the plea of Justice or Humanity which they consider as fatal to all sound policy, and to the pervading spirit of existing establishments. Such minds, whenever we find them formally arrayed against any measure of public interest, are a beacon to warn us, not 'what to follow, but what to shun;' and their names, thrown into the scale of authority, are as decisive in favour of any suggested improvement, as the more liberal and enlightened names we so confidently expect to see ranged on the antagonist side.

We rejoice, therefore, to find the question of the revision of our penal laws in the train in which it appears to be at present. Both from the Report of the Committee, and the proceedings of the House which have been had thereupon, it seems at last to be the wish of the Legislature to afford every desirable facility to inquiry and improvement on this subject, and to give to our laws, if possible, a milder, more consistent, and effectual form. From the time of Beccaria, men's minds have been very generally occupied with the arbitrary and unequal apportionment of punishments to offences, and with various projects for introducing a more humane and equitable spirit into the penal code. The feeling and considerate must have been, at all times, shocked with the frequency of dreadful and sanguinary punishments: But, however painful and revolting in themselves, they were thought conducive to the protection of the State, and the ends of public justice. Beccaria was the first writer whose efforts produced a very important change in the public mind in this respect; by demonstrating, that barbarous and sanguinary punishments, for slight and ordinary offences, are not only a great evil in themselves, but that they do no good; that they do not answer the end proposed, but often the contrary; and that the *efficacy* of the law is very frequently in the *inverse* ratio of its *severity*. If increasing the punishment prevented the crime, this, though it might be hard upon the individual, would no doubt be a gain to the public; and the only question would be between our humanity and the expediency of the thing: But, if increasing the punishment beyond a certain point, and, except in certain cases, is not found to prevent, but rather to encourage crimes, then the evil is not only a great and distressing, but a perfectly gratuitous one. The law is barbarous, and impolitic at the same time. This distinction (which Beccaria was the first to promulgate with any considerable effect, or so as to carry the public attention and conviction along with him) is a

very important one, and the foundation, in a great measure, of all that has been written or done on the subject since: And certainly, all that has been done or observed, in consequence of it, has tended to establish its soundness.

The Report of the Select Committee, and the Minutes of Evidence taken before them, may be considered as little else than a paraphrase and detailed exemplification of the same principle. If, indeed, the efficacy of punishment rose with its severity, and the rash and preposterous suggestions of fear or anger corresponded with the dictates of calm wisdom, the whole art and mystery of criminal jurisprudence would be reduced to a short compass. In that case, it would only be necessary to single out every offence marked down in the catalogue of offences, and to affix the threat of capital punishment, and the most aggravated form of it, to its commission, in order to banish every degree and every instance of crime from the community. If we could purchase entire and instant immunity from crime, merely by hanging up *(pro forma)* tablets thus written in blood, the Dracos would long since have been admitted for the Fathers of their country, and the best benefactors of mankind. Law would be a ceremony of words—a *fiat* of the omnipotence of kings and senates. To prohibit any act, good bad or indifferent, that might be displeasing to the Legislature, with a certain extreme penalty annexed, would be to make it impossible for that act ever to be committed. But no such miraculous virtue resides in the *dictum* of the laws. Power, therefore, prompted by prudence, has bent to necessity; and has been compelled, in some degree, to temper justice with mercy. But if the severity and the efficacy of penal enactments do not keep pace together, then it becomes the bounden duty of every one concerned to look at such disproportionate enactments with suspicion and repugnance:—to do away with as much of the severity as is not shown (for it cannot be presumed) to be necessary to prevention, and not to lend a helping hand to the continuance of any law which inflicts a wound on the feelings of humanity, and strikes the sword out of the hands of justice at the same moment.

The true practical question therefore is, What circumstance it is that combines efficacy with severity of punishment?—and this seems to be, *its being agreeable to the feelings of natural justice, or having the concurrence of the public sentiment in its favour.* All the evidence to which the public has had access on the question, bears out this conclusion. Up to the tone of public feeling against any criminal act, the severity of the punishment may be increased with effect:—beyond that point, it cannot be *forced* with effect; nor, we might add, with propriety. A conversation which took

place in a Debate in the House of Lords, between Lord Grenville and Lord Eldon, throws rather a striking light on this part of the subject.

Lord Grenville.—'According to the view which I take of the case, the only question for the consideration of the House is simply this: Is the crime of stealing privately in a shop to the value of five shillings, an offence to which the punishment of death is fit to be attached? I came to the House this night for the purpose of voting for the present bill, because I think the punishment of death unfit for such an offence. I cannot imagine any man to be so deluded as not to perceive that the question is simply this—"Aye or No, Is the punishment of death a fit punishment to be inflicted for the crime of stealing privately in a shop to the value of five shillings?" This, I contend, is the real question before the House; and every one of your Lordships must make up his mind to the affirmative or negative of the proposition, before he ventures to give his vote upon the present bill. If the argument of the Noble and Learned Lord (the Lord Chancellor) is of any avail, it will warrant the conclusion, that it is only necessary for your Lordships at once, and for every offence, to enact the law of Draco.'

The Lord Chancellor.—'I must interrupt the Noble Lord, to assure him, that I never made the assertion, or even insinuated, that the punishment of death is fit for every offence.'

Lord Grenville.—'I do not impute any such *assertion* to the Noble and Learned Lord. I only maintain, that if the Noble and Learned Lord's *argument* is of any avail, it necessarily leads to this conclusion. I do not attribute such a principle to the Noble Lord; but I attribute it to the Noble Lord's argument as a necessary inference. For what? Does not the Noble Lord assert, that capital punishment is in itself productive of salutary dread? Does he not triumphantly urge, that to deny the efficacy of capital punishment in deterring men from the commission of crimes, is repugnant to experience and common sense? Does he not, following the same line of argument, ask, whether the adoption of the present measure, by taking away the capital part of the punishment, would prove an encouragement or discouragement from the commission of the offence in question, obviously inferring that the former would be the consequence? Is not this the whole scope of the Noble and Learned Lord's argument? And if so, does it not *necessarily* lead to that only conclusion which I have already stated? If the Noble and Learned Lord were asked, from the whole catalogue of venial crimes in our statute-book, to select the most venial, and to devise the most effectual means to prevent the commission of it, would he not have immediate recourse to the wholesome terrors of death? Does not his argument necessarily infer, that the best mode of preventing *any* offence would be to constitute it a capital crime? But unless the Noble and Learned Lord's argument goes to recommend the denunciation of death in every case as the best preventive of crime, I cannot understand it. At the same time, it is natural that the Noble

and Learned Lord should shrink, with some degree of surprise at least, if not of abhorrence, from the establishment of this general rule. I can easily imagine that it must occur to the Noble and Learned Lord, that in every instance, except of very atrocious offences, a strong case ought to be made out, before the Legislature should venture to extend to such inferior instance the punishment of death. It must surely occur to the Noble and Learned Lord, that the general rule should be one which nature and humanity recommend; that the life of a fellow-creature should only be sacrificed, when forfeited by crimes from which all nature recoils; and that, if any exceptions be proposed to this rule, it should be insisted, as common feeling requires, that substantial reasons should be offered of urgent expediency, and of alarming danger, which might otherwise befal the community.'

The Lord Chancellor.—'I rise merely to explain, that I am misunderstood if it has been supposed that I have expressed any opinion as to the propriety of enacting the punishment of death for every species of offence.'

Lord Grenville.—'I certainly did not suppose that such an opinion had been expressed or entertained by the Noble Lord. On the contrary, I have endeavoured—taking it for granted that this will not be the opinion of the Noble Lord—I have endeavoured to satisfy your Lordships of the fallacy of the Noble Lord's reasoning, by pointing out the consequences to which it must inevitably tend, that the punishment of death ought to be enacted against every offence.'

There is something well worth attention in the tenaciousness of the Lord Chancellor in the foregoing conversation as to the admission of the inference from his doctrine, that every offence ought to be visited with death, and in his backwardness to assign any reason why that inference should not be drawn. In fact, no reason could be assigned upon his principle. Either there is no limit to the infliction of capital punishment *in all cases whatever*, without stint or mercy, or the infliction must be perfectly capricious and arbitrary; or the limit, if there is one established or aimed at, cannot well be any other than that stated by Lord Grenville—*the fitness* of the punishment for the crime, or the standard of *natural justice*, judged of by the sentiments of the community, and of every man in it. There is not a man in the community who will say that he thinks it a crime of equal magnitude, or an injury that excites equal dread in his mind and that he is equally anxious to prevent, for another to enter his shop and steal articles from his counter of the value of five shillings, as to enter his house in the dead of night and take his life, or the lives of his family. Yet these crimes the law, as it stood, equally sentences to death. *Why* it should do so, in this particular instance, or why it should not level *all* distinctions of crimes in the same indiscriminate and sweeping proscription, is the question which Lord Grenville pressed on

the Noble and Learned Lord on the Woolsack,—without receiving any answer.

That there are cases of extreme necessity which may supersede the rule of common feeling and natural justice, we agree with Lord Grenville in admitting; but we contend with his Lordship, that these extreme cases should be made out on the strongest grounds, and in the most unanswerable manner, so that the conviction of the necessity in the public mind may be as clear and full as the assent to the rule itself; and further, we conceive it of the highest importance, as a general principle, that the denunciations of the law should (as nearly as possible) conform to, and found themselves on, the rules of equity and humanity. A system of law, either not founded on the natural and common feeling of justice in the minds of the people, or professedly in contradiction to that feeling, must do all that in it lies to undermine and unsettle it. But it should certainly be the great aim of judicial enactments to cooperate with the natural sense of right and wrong; and to arm it with additional power and terror, in order to enforce its decisions and attain its ends:—not to reverse or set aside its decisions, and, by trampling on, or disregarding the original foundation and the great bulwark of social existence, to create a factitious, fallacious, impracticable security, out of an arbitrary, inconsistent, and merely *legal* sense of the artificial connexion between crimes and punishments. The law, in such an attempt, deprives itself of its surest and most powerful aid in the instincts and habits and sentiments of mankind. Instead of affixing its sanction to the dictates of the moral sense, it does what it can to neutralise it. It does not second, but thwart the good dispositions of the community; and lends a cover and an excuse to the bad. It loses its terror and its authority at once; because, not awarding its punishments according to the sense of guilt either in the mind of the public or of the offender, it no longer bears the stamp of Justice; and, being made only to answer a particular end, it fails of that end by not being carried into effect, and thus secures impunity to offenders. The brow of British Justice should reflect the sentiments engraven on the hearts of the community—grave, mild, firm, humane—not fickle, vindictive, contradictory and peevish. It would then carry awe into the minds of offenders, by corresponding with the dictates of their own consciences, and would be resorted to with cheerful confidence by those who wished to claim its protection, without having their feelings harrowed up by the threat or the execution of its decrees. In fact, any law constructed on merely automatic and artificial principles, and not actuated by the living spring of conscience in its bosom, and

in the bosom of the community, is useless and injurious; is a stumbling-block in the path of justice; an unsightly deformity to the well-disposed; and an idle bugbear, speedily turned by the needy and desperate to mockery and contempt.

With these plain principles in our view, let us now look at the actual state of the law and practice of the country in this respect: And we cannot give our readers a better idea of it, than by quoting the words of a Speech of Sir Samuel Romilly on this subject, March 25th, 1818. We find them thus reported.

'Sir S. Romilly stated, that he rose for leave to bring in a Bill to repeal so much of the Act as took away the benefit of clergy from persons convicted of stealing goods, wares, or merchandise, to the value of five shillings, in any house, shop, warehouse, stable, &c. He called their attention to the returns which for some days had been on the table, in order to show what the state of the law was on the subject. From 1805 to 1817, a period of twelve years, 655 persons had been indicted for the offence under consideration. Of these, only 113 had been capitally convicted; and of those 113, not one had been executed:—365 out of the 655 had been found guilty by the juries before whom they were tried, of simple larceny, by which the capital part of the charge was taken away. It was evident, therefore, either that these 365 persons had been improperly charged with a capital offence, or that the juries, influenced no doubt by feelings of humanity, had, in 365 cases, violated their oaths. It was true, that there were high authorities in justification of a jury thus acting. Mr Justice Blackstone stated, that a jury who brought in a verdict of guilty to an amount less than the evidence established, with a view to avoid capitally convicting the accused person, might be justified on the ground that they had a right to take into their consideration the difference in the value of money between the present period and that at which the statute was enacted. This, however, he (Sir S. Romilly) should always contend, was a practice which had a most immoral tendency; and the temptations to it, he should always maintain, it was the duty of the Legislature to remove. He would take the present opportunity of mentioning the state of the law, as derived from the returns on the table, with respect to the act making it capital to steal within a dwellinghouse to the amount of forty shillings. Within eight years, down to 1816, no less than 1097 persons had been tried for this offence. Of these, 293 only had been capitally convicted, and *not one* had been executed! In 1816, 131 more persons had been tried, of whom 49 had been capitally convicted, and *one* (whose case was accompanied with great aggravations) executed. So that of 1228 individuals tried, 342 only had been capitally convicted (the juries either acquitting the 886, or finding them guilty of stealing to a less amount), and only one person executed! Was this a state of the law which it was desirable to continue?—(*Hear, hear*). It was important, also, that the House should direct their attention

to the state of the law as it respected some other capital offences, besides those which he had already specified. The principle on which the law was administered with respect to the offences he had already specified, was, that the law should generally not be enforced, but be enforced only in particular cases. In another part of the administration of the law, this principle was reversed—the law was generally enforced, and was not enforced only in particular cases. He alluded to the offences of fraudulent bankruptcy and forgery. It had been thought wise, by those who were intrusted with the execution of the law, to extend mercy in cases of fraudulent bankruptcy in only one instance; and that was under circumstances so peculiar, that to have withheld pardon would have been an act of the grossest injustice. He was sure that every man conversant with the bankrupt laws knew, that not a year passed without the occurrence of a great number of fraudulent bankruptcies. Nevertheless, during eighty-five years, there had been but four capital convictions for this offence; numerous frauds to a great amount having been suffered to escape with complete impunity, because the parties injured saw no alternative between that course and the shedding of blood—(*Hear, hear, hear!*) The same system was pursued with respect to the crime of forgery. Formerly, pardons for this offence were very rare. Lately, however, the offence had so multiplied, in consequence of the great increase of paper currency (both that of the Bank of England and provincial), that it was impossible to adhere to the system of never pardoning the crime. Still, however, the principle existed, that, in most cases, the law should be enforced; and that in comparatively few (and those under peculiar circumstances of extenuation) it should not be so. A considerable discretion had been vested in the Bank of England on this subject; a discretion which, he believed, had been judiciously and humanely executed, and the consequence of which was, that prosecutions had only taken place in aggravated cases. But the uncertainty of punishment which this occasioned, destroyed all the advantage that might be supposed to result from the severity with which the law was generally enforced. He was persuaded, that the frequent punishment of forgery by death excited a strong feeling of compassion on the part of the public towards the sufferers. Indeed, some examples of this punishment were extremely shocking. That day se'ennight two women had been executed for forgery; and that very morning two boys, 16 and 17 years of age, would have been executed for the same crime, had it not been for the exertions of a worthy magistrate and an honourable friend of his, who had detected a conspiracy for the purpose of their seduction, and who had successfully pressed a recommendation for a suspension of their punishment. Was it possible that such spectacles as these could have any other effect than to produce, not obedience to the law, but compassion for the violators of it? The fact was, that forgeries had greatly increased. Nothing could be more certain than that, if the sanction of the law was insufficient to prevent the crime, it was calculated to

produce the worst effects. There was not only the loss of lives, but the deterioration of moral feeling, which such exhibitions were calculated to occasion.'

To the same effect, and long before, we have the sentiments of no less eminent an authority than Sir W. Blackstone, who, in his Commentaries, explicitly declares—

'Yet though, in this instance, we may glory in the wisdom of the English law, we shall find it more difficult to justify the frequency of capital punishment to be found therein; inflicted (perhaps inattentively) by a multitude of successive independent statutes, upon crimes very different in their natures. It is a melancholy truth, that among the variety of actions which men are daily liable to commit, no less than *an hundred and sixty* have been declared by act of Parliament to be felonies without benefit of clergy; or, in other words, to be worthy of instant death. So dreadful a list, *instead of diminishing, increases the number of offenders.* The injured, through compassion, will forbear to prosecute; juries, through compassion, will sometimes forget their oaths, and either acquit the guilty, or mitigate the offence; and judges, through compassion, will respite one-half of the convicts, and recommend them to the Royal mercy. Among so many chances of escaping, the needy and hardened offender overlooks the multitude that suffer; he boldly engages in some desperate attempt to relieve his wants, or supply his vices; and if, unexpectedly, the hand of justice overtakes him, he deems himself peculiarly unfortunate in falling at last a sacrifice to those laws which long impunity has taught him to contemn.'

Such is the picture drawn of our law, by two of its greatest ornaments and ablest interpreters. We proceed to lay before our readers, from the printed Report, the views entertained by the Committee on this subject—the general scope of the evidence by which they have been guided—and the practical results to which their recommendations and suggestions have already led. The general statements of their objects, and of the mode by which they have thought it best to endeavour to attain them, is to be found in the following eminently able and truly interesting summary.

'They (the Committee) wish expressly to disclaim all doubt of *the right* of the Legislature to inflict the punishment of Death, wherever that punishment, and that alone, seems capable of protecting the community from enormous and atrocious crimes. The object of the Committee has been, to ascertain, as far as the nature of the case admitted, by Evidence, whether, in the present state of the sentiments of the people of England, Capital Punishment, in most cases of offences unattended with violence, be a necessary, or even the most effectual security against the prevalence of crimes.

'I. In the first place, they endeavoured to collect official accounts of the state of Crimes, and the administration of Criminal

Law throughout the kingdom, from the earliest period to which authentic information reaches. The Annual Returns of Commitments, Convictions, and Executions, first procured by Addresses from this House, and since required by Statute, go no farther back than 1805. Accounts, though not perfectly satisfactory, of the same particulars, from London and Middlesex, from 1749 to the present time, have been already laid before Parliament, which, with an official summary of the Returns of England and Wales from 1805, will be inserted in the Appendix of this Report.

' A full and authentic account of Convictions and Executions for London and Middlesex, from 1699 to 1804, obtained, for the latter part of that time, from the Clerk of Arraigns at the Old Bailey, and for the former part from the officers of the city of London, is inserted in the Appendix. The Corporation of the City of London have shown, on this occasion, a liberality and public spirit worthy of acknowledgment; and it is to be hoped that they will continue their researches as far back as their Records extend, and thus complete Returns, probably unparalleled in the history of Criminal Law.

' The Deputy Clerk of Assize for the Home Circuit has laid before Your Committee a Return of Commitments, Convictions and Executions on that Circuit, which comprehends the counties of Herts, Essex, Kent, Sussex and Surrey, from 1689 to 1718; from 1755 to 1784; and from 1784 to 1814. The Returns of the intermediate period from 1718 to 1755 he will doubtless furnish very soon. From this important Return it appears, that, for the first thirty years which followed the Revolution, the average proportion of convictions to executions was 38 to 20; that from 1755 to 1784 it was 46 to 13; and that from 1784 to 1814 it was 74 to 19. It is worthy of remark, that the whole number of convictions for murder, on the Home Circuit, in the first period, was 123, and the executions for the same period were 87; that in the second, the convictions for the same offence were 67, and the executions 57; and that in the third, the convictions were 54, and the executions 44. If the increase of the population, during a prosperous period of a hundred and thirty years, be taken into the account, and if we bear in mind that, within that time, a considerable city has grown up on the southern bank of the Thames, we shall be disposed to consider it as no exaggeration to affirm, that in this district (not one of the most favourably situated in this respect) murder has abated in the remarkable proportion of three, if not four to one.

' In the thirty years from 1755 to 1784, the whole convictions for murder, in London and Middlesex, were 71: and in the thirty years from 1784 to 1814, they were 66. In the years 1815, 1816, and 1817, the whole convictions for murder in London were 9, while in the three preceding years they were 14. Most of the other returns relate to too short a period, or too narrow a district, to afford materials for safe conclusion, with respect to the comparative frequency of crimes at different periods.

'In general, however, it appears that Murders, and other crimes of violence and cruelty, have either diminished, or not increased; and that the deplorable increase of Criminals is not of such a nature as to indicate any diminution in the *humanity* of the people. The practice of immediately publishing the circumstances of every atrocious crime, and of circulating, in various forms, an account of every stage of the proceedings which relate to it, is far more prevalent in England than in any other country, and in our times, than in any former age. It is, on the whole, of great utility, not only as a control on courts of judicature, but also as a means of rendering it extremely difficult for odious criminals to escape. In this country, no atrocious crimes remain secret; with these advantages, however, it cannot be denied that, by publishing the circumstances of all crimes, our modern practice tends to make our age and nation *appear* more criminal than, in comparison with others, it really *is*.

'II. In considering the subject of our Penal Laws, Your Committee will first lay before the House their observations on that part which is the least likely to give rise to difference of opinion. That many statutes denouncing capital punishments might be safely and wisely repealed, has long been a prevalent opinion. It is sanctioned by the authority of two successive Committees of this House, composed of the most eminent men of their age, and, in some measure, by the authority of the House itself, which passed several bills on the recommendation of their Committees. As a general position, the propriety of repealing such statutes seems scarcely to have been disputed; respecting the number and choice of them, different sentiments must always be expected. Your Committee have not attempted a complete enumeration, which much time and considerable deliberation would be required to accomplish. They selected some capital felonies, for the continuance of which they cannot anticipate any serious argument, and which seem to them to serve no purpose but that of incumbering and discrediting the Statute Book. Various considerations have combined to guide their choice; sometimes mere levity and hurry have raised an insignificant offence, or an almost indifferent act, into a capital crime; in other cases, the evil has been manifestly, and indeed avowedly temporary, though it unfortunately produced a permanent law. Where the punishment of death was evidently unnecessary at the time of its original establishment, and where, if it was originally justified by a temporary danger, or excused by a temporary fear, it has long been acknowledged to be altogether disproportioned to the offence, Your Committee conceive themselves warranted in confidently recommending its abolition. But they have also adverted to another consideration. If, in addition to the intrinsic evidence of unwarrantable severity in a law, which arises from the comparison of the act forbidden with the punishment threatened, they find also, that the law has scarcely ever been executed since its first enactment; or, if it has fallen into disuse, as the Nation became more humane and generally enlightened,

Your Committee conceive themselves authorized to recommend its repeal, by long experience, and by the deliberate judgment of the whole Nation. In the application of this latter principle, they have been materially aided by the documents which have been mentioned. Where a Penal Law has not been carried into effect in Middlesex for more than a century, in the counties round London for sixty years, and in the extensive district which forms the Western Circuit for fifty, it may be safely concluded, that the general opinion has pronounced it to be unfit, or unnecessary to continue it in force. The Committee are aware, that there are cases in which it may be said that the dread of punishment has prevented the perpetration of the crime, and where, therefore, the law appears to be inefficacious, only because it has completely accomplished its purpose. Whatever speciousness may belong to this reasoning, in the case of conspicuous crimes, and punishments generally present to the minds of men, it never can be plausibly applied to rare and obscure offences, to penal enactments, of which it requires a more than ordinary share of professional accuracy habitually to recollect the existence. Your Committee have endeavoured to avoid all cases which seem to them to be on this ground disputable. From general caution, and a desire to avoid even the appearance of precipitation, they have postponed cases, which seem to them liable to as little doubt as some of those to which they are about to advert.

'It has sometimes been said, that the abolition of penal laws which have fallen into actual disuse, is of little advantage to the community. Your Committee consider this opinion as an error. They forbear to enlarge on the striking remark of Lord Bacon, that all such laws weaken and disarm the other parts of the criminal system. The frequent occurrence of the unexpected threat of Death in a criminal code, tends to rob that punishment of all its terrors, and to enervate the general authority of the Government and the Laws. The multiplication of this threat in the Laws of England, has brought on them, and on the Nation, a character of harshness and cruelty, which evidence of a mild administration of them will not entirely remove. Repeal silences the objection. Reasoning founded on lenient exercise of authority, whatever its force may be, is not calculated to efface a general and deep impression. The removal of disused laws is a preliminary operation, which greatly facilitates a just estimate, and (where it is necessary) an effectual reform of those laws which are to remain in activity. Were capital punishments reduced to the comparatively small number of cases in which they are often inflicted, it would become a much simpler operation to form a right judgment of their propriety or necessity. Another consideration, of still greater moment, presents itself on this part of the subject. Penal Laws are sometimes called into activity after long disuse, and in cases where their very existence may be unknown to the best informed part of the community. Malicious prosecutors set them in motion. A mistaken administration of the Law may apply

them to purposes for which they were not intended, and which they are calculated more to defeat than to promote. Such seems to have been the case of the person who, in the year 1814, at the Assizes for Essex, was capitally convicted of the offence of cutting down trees, and who, in spite of earnest applications for mercy from the prosecutor, the committing magistrate, and the whole neighbourhood, was executed, apparently because he was believed to be habitually engaged in *other* offences, for none of which, however, he had been convicted or tried.

'This case is not quoted as furnishing any charge against the humanity of the Judge, or of the advisers of the Crown; they certainly acted according to the dictates of their judgment: But it is a case where the effect of punishment is sufficiently shown, by the evidence, to be the reverse of exemplary; and it is hard to say, whether the general disuse of the capital punishment in this offence, or the single instance in which it has been carried into effect, suggests the strongest reasons for its abolition.

'The Statutes creating capital felonies, which the Committee have considered under this head, are reducible to two classes. The First relates to acts, either so nearly indifferent as to require no penalty, or, if injurious, not of such a magnitude as that they may not safely be left punishable as Misdemeanors at common law. In these Your Committee propose the simple repeal. They are as follows—

'1.	1 & 2 Phil. & Mary, c. 4.	Egyptians remaining within the kingdom one month.
2.	18 Cha. II. c. 3.	Notorious thieves in Cumberland and Northumberland.
3.	9 Geo. I. c. 22.	Being armed and disguised in any Forest, Park, &c.
4.	— —	in any Warren.
5.	— —	in any High Road, Open Heath, Common, or Down.
6.	— —	Unlawfully hunting, killing, or stealing Deer.
7.	— —	Robbing Warrens, &c.
8.	— —	Stealing or taking *any* Fish out of any River, Pond, &c.
9.	— —	Hunting in his Majesty's Forests or Chases.
10.	— —	Breaking down the Head or Mound of a Fish Pond.
11.	9 Geo. I. c. 28.	Being disguised within the Mint.
12.	12 Geo. II. c. 29.	Injuring of Westminster Bridge, and other Bridges, by other Acts.

'The Second Class consists of those offences, which, though in the opinion of your Committee never fit to be punished with Death, are yet so malignant and dangerous as to require the highest punishments, except death, which are known to our laws. These the Committee would make punishable, either by Transportation or Imprison-

ment with hard labour, allowing considerable scope to the discretion of the Judges respecting the term for which either punishment is to endure.

1. 31 Eliz. c. 9. Taking away any Maid, Widow, or Wife, &c.
2. 21 Jac. I. c. 26. Acknowledging or procuring any Fine, Recovery, &c.
3. 4 Geo. I. c. 11. § 4. Obstructing the recovery of Stolen Goods.
4. 9 Geo. I. c. 22. Maliciously killing or wounding Cattle.
5. 9 Geo. I. c. 22. Cutting down or destroying Trees growing.
6. 5 Geo. II. c. 30. Bankrupts not surrendering, &c.
7. — — concealing or embezzling.
8. 6 Geo. II. c. 37. Cutting down the bank of any River.
9. 8 Geo. II. c. 20. Destroying any Fence, Lock, Sluice, &c.
10. 26 Geo. II. c. 23. Making a false entry in a Marriage Register, &c. Five Felonies.
11. 27 Geo. II. c. 13. Sending threatening Letters.
12. 27 Geo. II. c. 19. Destroying Banks, &c. on Bedford Level.
13. 3 Geo. III. c. 16. Personating Out-Pensioners of Greenwich Hospital.
14. 22 Geo. III. c. 40. Maliciously cutting Serges.
15. 24 Geo. III. c. 47. Harbouring offenders against that (Revenue) Act, when returned from Transportation.

'It does not seem necessary to make any observation in this place on the punishments of Transportation and Imprisonment, which your Committee have proposed to substitute for that of Death, in the second of the two classes above mentioned. In their present imperfect state, they are sufficient for such offences; and, in the more improved condition in which the Committee trust that all the prisons of the Kingdom will soon be placed, Imprisonment may be hoped to be of such a nature as to answer every purpose of terror and reformation.

'III. In the more disputable questions which relate to offences of more frequent occurrence and more extensive mischief, your Committee will limit their present practical conclusions to those cases to which the evidence before them most distinctly refers. They cannot entertain any doubt, that the general principles which have been so strikingly verified and corroborated in some particular cases by that evidence, apply with equal force to many others, relating to which they have not had sufficient time to collect the testimony of witnesses. That some offences which the law treats as Arson, and more which it punishes as Burglary, are not properly classed with these crimes, and ought not to be punished with Death, would probably be rendered apparent by a legislative consolidation of the laws in being respecting Arson and Burglary. The same result, though in a less degree, might be expected from a similar operation in other important heads of Criminal Law.

'On the three capital felonies—of Privately stealing in a shop to

the amount of five shillings—of privately stealing in a dwellinghouse to the amount of forty shillings—and of Privately stealing from vessels in a navigable river to the amount of forty shillings—the House of Commons have pronounced their opinion, by passing Bills for reducing the punishment to Transportation or Imprisonment.

'In proposing to revive those Bills, Your Committee feel a singular satisfaction that they are enabled to present to the House so considerable a body of direct evidence, in support of opinions which had hitherto chiefly rested on general reasoning, and were often alleged, by their opponents, to be contradicted by experience. Numerous and respectable witnesses have borne testimony, for themselves and for the classes whom they represent, that a great reluctance prevails to prosecute, to give evidence, and to convict, in the cases of the three last mentioned offences; and that this reluctance had the effect of producing impunity to such a degree, that it might be considered as among the temptations to the commission of crimes. Your Committee beg leave to direct the attention of the House to the evidence of Sir Archibald Macdonald, on this and other parts of the general subject, in which that venerable person has stated the result of many years experience in the administration of Criminal Law. They forbore to desire the opinion of the present Judges, out of consideration to the station and duties of these respectable magistrates. It appeared unbecoming and inconvenient, that those whose office it is to execute the Criminal Law, should be called on to give an opinion whether it ought to be altered..... But, highly as the Committee esteem and respect the Judges, it is not from them that the most accurate and satisfactory evidence of the effect of the Penal Law can reasonably be expected. They only see the exterior of criminal proceedings after they are brought into a court of justice. Of the cases which never appear there, and of the causes which prevent their appearance, they can know nothing. Of the motives which influence the testimony of witnesses, they can form but a hasty and inadequate estimate. Even in the grounds of Verdicts, they may often be deceived. From any opportunity of observing the influence of punishment upon those Classes of men among whom malefactors are most commonly found, the Judges are, by their stations and duties, placed at a great distance.

'Your Committee accordingly have sought for evidence on these subjects from those classes of men who *are sufferers* from Larcenies, who must be *prosecutors* when those Larcenies are brought to trial, who are the *witnesses* by whom such charges must be substantiated, and who are the *Jurors*, by whose verdicts only effect can be given to the laws. On this class of persons, where the crimes are most frequent, and where long and extensive experience allows little room for error, and none for misrepresentation; or, in other words, on the Traders of of the City of London and Westminster, Your Committee have principally relied for information. To the clerks at the offices of Magistrates, and to the officers of criminal courts, who receive informations

and prepare indictments, to experienced Magistrates themselves, and to the gaolers and others who, in the performance of their duties, have constant opportunities of observing the feelings of offenders, the Committee have also directed their inquiries; and their testimony has been perfectly uniform.'

The Report then proceeds to allude to the most material evidence on this part of the subject; and concludes with adverting to the Law respecting *Forgery*, as the fourth and last head.

'IV. Much of the above evidence sufficiently establishes the general disinclination of traders to prosecute for forgeries on themselves, or to furnish the Bank of England with the means of conviction, in cases where forged notes are uttered. There is no offence in which the infliction of death seems more repugnant to the strong and general and declared sense of the Public, than forgery; there is no other in which there appears to prevail a greater compassion for the offender, and more horror at capital executions.'

After a summary of the evidence on this head, they proceed—

'After due consideration of this important question, Your Committee are of opinion, that Forgeries are a class of offences, respecting which it is expedient to bring together and methodize the laws now in being; that in the present state of public feeling, a reduction of the punishment, in most cases of that crime, *is become necessary to the execution of the laws*, and consequently to the security of property and the protection of commerce; and that the means adopted by the Legislature to return to our ancient standard of value, render the reformation of the Criminal Laws respecting forgeries, a matter of very considerable urgency. Private forgeries will, in the opinion of the Committee, be sufficiently and most effectually repressed by the punishments of Transportation and Imprisonment. As long as the smaller notes of the Bank of England shall continue to constitute the principal part of the circulating medium of the kingdom, it may be reasonable to place them on the same footing with the metallic currency. Your Committee therefore propose, that the *forgery* of these notes may for the present remain a capital offence; that the UTTERING of forged bank notes shall, for the first offence, be Transportation or Imprisonment; but that, on the second conviction, the offender shall be deemed to be a common utterer of forged notes, and shall, if the prosecutor shall so desire, be indicted as such, which will render him liable to capital punishment. Respecting the offence of *knowingly possessing* forged notes, Your Committee have no alteration to suggest, but what they conceive could be fit in all transportable offences, that a discretion should be vested in the Judges to substitute Imprisonment with hard labour for Transportation, where such a substitution shall seem to them expedient.

'Your Committee will conclude by informing the House, that in pursuance of the various opinions and recommendations which they have stated above, they have instructed their Chairman, early in the

next Session of Parliament, to move for leave to bring in a Bill, for the objects and purposes, of which this Report is intended to explain the nature, and to prove the fitness.'

It is truly gratifying to see a Legislative Body thus feeling and thus acting:—to see those who, from their rank and place in society, have the power to confer serious and lasting benefits on the community, deliberating as it were in the presence, and under the sanction of the wise and good of former ages; availing themselves of the light which the most thoughtful minds have thrown upon the subject of their consideration; breathing that spirit of humanity which naturally emanates from those inquiries which have for their object the good of our country and our kind; blending practical information and strict caution with enlarged philosophic views; and embodying the suggestions of a sound understanding of the question (in principle and in detail) in a mild, temperate, and gradual plan of reform. Nothing indeed can be more striking, in the tone and proposed alterations of the foregoing Report, than its moderation, and its avoiding every approach to rash and groundless innovation. Yet it has not been able to escape misrepresentation and cavils. It has gone forth to the world, that the Committee propose to abolish capital punishment altogether, and to substitute transportation and imprisonment as the most effectual security against *every crime*. They have done no such thing. On the contrary, they distinctly disclaim any such idea in the outset of their Report; and the observation on which this interpretation has been put, is obviously limited to a class of offences, just before expressly proposed to be excepted from the punishment of death, and for which 'it is hoped an improved system of imprisonment may answer every purpose of terror and reformation.' It has also been argued, that they propose to repeal simply, and as 'so much statutory lumber,' the acts against a class of offences, which they distinctly state (though unfit to be punished with death), yet to be of so malignant and dangerous a tendency, 'as to require the highest punishments except death known to our laws;' and which they accordingly recommend to be substituted for capital punishment. They have been accused of violating decorum and consistency, because they declare capital executions for forgery to be highly unpopular and repugnant to the general feeling, without daring (from the supposed difficulty and importance of the question) to propose their immediate repeal. The mention of this general and declared repugnance to capital punishment in these cases, as one circumstance weighing most strongly, and speaking most loudly against its continuance, is set down as a mark of 'deference to

popular clamour, to the shout of a mob, or of a gang of accomplices at the foot of the gallows;' though this sentiment is *proved* at large, in the Evidence, to be shared generally by the prosecutors themselves, and by the rest of the community: And, finally, the Committee are accused of packing the Evidence, and tampering with it in the examinations; because the great body of that evidence is uniformly in harmony with the general feelings of humanity, with common opinion, and with all enlightened theory on the subject; because the witnesses now are said to be all of the same way of thinking, and now to vary in every one of their opinions; because they are persons who seem to have paid some attention, and to have taken some interest in the question beforehand, and are therefore *ex parte* evidence; because they have only one lawyer among them, and not a whole list of practising attorneys, nor 'a single shareholder in any bridge, canal, or mining company;' because the whole mercantile, agricultural, and banking interest has not been summoned to establish the facts upon a permanent basis, and to make it impossible ever to arrive at any conclusion from them!

Now, if these things are really so—if it be true that there are only sixty-seven persons, of limited information and suspicious motives, got together, without reference to their profession or the place of their abode, to undermine the substantial interests of 1000 and odd bankers, and 100,000 merchants and others in town and country, and to set up a theory of their own in the teeth of fact and law, it is strange that not a single individual of so large and respectable a body has put forth any remonstrance, public or private, against this preposterous assumption of their authority, and virtual representation of their sentiments. Yet not one has come forward. We have not heard a whisper of complaint from any such quarter. We turn then at once from such contemptible sophistry to the evidence: And beg very shortly to consider it with reference, first, to facts; and, secondly, to matters of opinion. As to the first class of rare and obsolete offences proposed to be done away, or to be left as common misdemeanours, there is in general no evidence brought. With respect to the Black Act, and the Act of the 12 Geo. II., making it capital to injure Westminster-Bridge, the following striking particulars are stated by Sir Archibald Macdonald.

'Among the list of unclergyable felonies, there are a great number that were thought necessary at the time when enacted, but which are now no longer so: for instance, the persons who damage Westminster, Fulham, or London Bridges, if convicted, must receive sentence of death. The Black Act is full of unclergyable felonies,

many of which were made on an immediate occasion, but still continue in force. There is one instance, which perhaps may be a good specimen of many of the others: There are about twenty felonies in that act; and one of them is, I believe, correctly in these words—"Appearing on a high road, or on a common, &c. with the face black, or being otherwise disguised." It so happened, that, on the first establishment of turnpikes, there was great opposition to them. In Herefordshire, a great number of persons had got together, masked and disguised, and were opposed by the Magistrates on the road, and were apprehended. It came out in evidence, that their object was to have pulled down the turnpike gate. Lord Hardwicke tried the men, during the short time that he was Chief-Justice; and he told the Jury, that "every crime specified in that act was a distinct and separate crime; they had no connexion one with the other. But although it might be right enough to let in the evidence of the intent, yet that which the Jury had to look to, was entirely independent of that circumstance. The words were, *appearing with a black face, or otherwise disguised, upon the road.* Did the prisoners, or not, so appear?" The men were convicted on that point only, and ordered for execution; but whether executed or not, the report of the case does not state. The momentary depredations on Waltham and other Forests, were, no doubt, the cause of that act; they have long since ceased; but the act is still in force. So, with respect to the bridges, I apprehend the acts with respect to the bridges were enacted in consequence of the watermen being injured in their business, and therefore doing damage to the bridges; but those bridges are now, I believe, as sacred as the Church of St Paul.' p. 50.

We here see an example of the effects of this miscellaneous style of legislating. A law is made with a particular and express reference to a notorious and complicated description of offence, and afterwards left standing in the abstract, so that it may be applied, at the discretion of the Judge, to innocent or indifferent acts. A man might be hanged, by one of the foregoing acts, for being seen coming from a masquerade disguised in a domino. This has been called providing against unforeseen emergencies: and so it is, with a vengeance! Upon the same principle, we have only to make every ordinary circumstance of life, such as walking the street, or looking out of a coach-window, capital; and then we may catch and hang whomever we please, when it suits the service of the State.—It appears in evidence, under the second class of offences, that a man named James Potter was hanged, no longer ago than 1814, for cutting down some young trees! and, though pressing applications were made for mercy *by the prosecutor*, the committing Magistrate, and the whole neighbourhood, they were refused. The plea was, that the man was *a reputed thief.*

We shall take the following, from Mr Evans's valuable evi-

dence, as a curious instance to show the barbarous nicety of our old laws in many particulars. It relates to the history of what is called *Benefit of Clergy.*

'In comparing the laws, and adverting to the progress of the law with respect to different subjects which now are capital, and have been so formerly, I think it is by no means immaterial to attend to the history of the law with respect to Benefit of Clergy, which, until the reign of Queen Anne, was not, as it is now, a mere nominal and formal distinction, and which, so lately as the reign of Charles II., we find was evidently practically attended to; as appears particularly by a Report which I have in my hand, as well as from some of the statutes enacted in the course of that reign. The book to which I allude, is the Reports of Cases in Pleas of the Crown, adjudged and determined in the reign of the late King Charles II.; collected by Chief-Justice Kelyng. In that book there is the Report of a case, in which the Ordinary, being disposed to report that the thief who was under trial could read, the Judge, suspecting that he could not, watched him, and, finding that it was as he suspected, censured and fined the Ordinary. The case is this: "At the Assizes at Winchester, the Clerk appointed by the Bishop to give Clergy to the prisoners being to give it to an old thief, I directed him to deal clearly with me, and not to say *Legit*, in case he could not read; and thereupon he delivered the book to him; and I perceived the prisoner never looked upon the book at all; and yet the Bishop's Clerk, upon the demand of *Legit*, or *Non Legit*, answered *Legit*; and thereupon I wished him to consider, and told him I doubted he was mistaken; and bid the clerk of the assizes ask him again, *Legit*, or *Non legit?* and he answered again something angrily, *Legit*. Then I bid the clerk of the assize not to record it; and I told the parson he was not the judge whether he read or not, but a ministerial officer to make a true report to the Court: and so I caused the prisoner to be brought near, and delivered him the book, and then the prisoner confessed he could not read; whereupon I told the parson he reproached his function, and *unpreached more that day than he could preach up again in many days!* And because it was his personal offence and misdemeanor, I fined him 5 marks, and did not fine the Bishop, as in case he had failed to provide an Ordinary." It does not appear what became of the prisoner in this case. There is also another case, which I may cite from the same book, to show that the Court judge of reading, and not the Ordinary; and it refers to the 9th of Edw. IV., chap. 28. It is this: "One demands his Clergy, and the Court took the book, and turned him to a verse, and he could not read *well*, but read one word in one place, and another word in another place. And the Judges asked the Ordinary, if he would have him, and he answered, Yea. The Judges bid him consider, and told him the Court was to judge of his reading; and if the Court should judge he did not read, the Ordinary should be fined, and the

prisoner hanged, notwithstanding his demanding of him; *and he was hanged.*" The 22d and 23d of Charles II. chap. 7., which respects the burning of houses and stacks of corn and hay, and the killing and maiming of cattle, directs, that the party guilty of those offences shall be deemed a felon, and the offender shall suffer, as in cases of felony, without saying "Without benefit of Clergy;" and therefore gives a prisoner an option to avoid judgment of death, or execution thereupon, to be transported for seven years; which is a proof that clergyable felony was then considered as an offence that might be practically attended with capital punishment.' p. 30.

Under the third and fourth Heads, respecting Larcenies and Forgery, the evidence, showing the inefficient state of our laws from their over-severity, is full, and nearly uniform. We shall give the outline of it in the words of the Committee.

'Mr Skelton, who has been *near forty years* Clerk of Arraigns at the Old Bailey, states, that Juries are anxious to reduce the value of property below its real amount, in those larcenies where the capital punishment depends on value; that they are desirous of omitting those circumstances on which the capital punishment depends in constructive burglaries; and that a reluctance to convict is perceptible in forgery.

'Sir Archibald Macdonald bears testimony to the reluctance of prosecutors, witnesses and juries, in forgeries, in shop-lifting, and offences of like nature. He believes that the chances of escape are *greatly increased* by the severity of the punishments. Against treason, murder, arson, rape, and crimes against the dwellinghouse or person, and some others, he thinks the punishment of Death should be directed.

'Mr Newman, solicitor for the city of London, speaking from *thirty years' experience* of the course of Criminal Prosecutions in that city, informed the Committee that he had frequently observed a reluctance to prosecute and convict, in capital offences not directed against the lives, persons, or dwellings of men.

'The Reverend Mr Cotton, Ordinary of Newgate, has described in strong terms the repugnance of the public to capital execution, in offences unattended with violence; and the acquiescence, even of the most depraved classes, in their infliction in atrocious crimes.

'Mr Newman, late keeper of Newgate, and connected with the administration of justice in London for *forty years*, gave testimony to the same effect.

'Mr Hobler, clerk to the Lord Mayor, and to the sitting magistrates in London *for thirty years*, stated the anxiety of prosecutors to lower the value of goods stolen; and has observed many cases of forgery, in which, after the clearest evidence before the magistrate, the Grand Jury has thrown out the bill, for some reason or other, where the magistrate had no doubt. The same solicitude to reduce the value of articles privately stolen in shops and dwellinghouses, has been remarked by Mr Payne, clerk to the sitting magistrate at Guild-

hall; by Mr Yardley, clerk at the office in Worship-street, who has observed a disinclination to prosecute in all capital cases, except murder; and who says, that in larcenies he has often heard prosecutors, especially females, say, "I hope it is not a hanging matter:" and by Mr Thomson, clerk at the office in Whitechapel, who represents it as common for prosecutors in larcenies to ask, "Cannot this be put under forty shillings?"

'Mr Josiah Conder, bookseller, Mr Joseph Curtis, currier, Mr Wendover Fry, type-founder, and Mr John Gaun, a merchant and shoe manufacturer, stated instances in which they were prevented by the capital punishment from prosecuting offenders, whom they would have brought to justice if the punishment had, in their opinion, been more proportioned to the crime. They also declared, that there is a general disinclination to prosecute among the traders of the city of London, or to convict in thefts without violence, and in forgeries.

'Mr James Soaper of St Helen's Place, Mr Ebenezer Johnson of Bishopsgate-street, ironmonger, Mr Baker of the Tower, Mr Lewis, a retired merchant, and Mr Garrett, an insurance-broker, bore testimony to the general repugnance to prosecution which arose from capital punishment. Some of them mentioned instances in which they had been deterred by that consideration from bringing offenders to justice. Mr Garrett said, that as far as his observation went, there was not one in twenty who did not shudder at the idea of inflicting the capital punishment in cases of forgery. Messrs Frederic and William Thornhill mentioned cases of theft in which they had forborne to prosecute, on account of the punishment of Death. The former added, that he found it to be an almost universal sentiment among his neighbours and acquaintance, that excessive punishment tends very greatly to the production of crime; that he knows many persons who have been great sufferers by thefts in shops and dwellinghouses, and who declare, that if the punishment of such offences had been any thing less than death, they would have regarded it as highly criminal to have forborne prosecution, which they had felt themselves compelled to abstain from in every instance, on account of the punishment; and must continue to act on the same principle of forbearance till there was an amendment in the law.'

On the theory of the proposed amelioration in the Penal Law, the evidence of Mr Basil Montagu is given at much length, and evinces great research, ingenuity, and zeal. It makes almost a pamphlet, or what Mr Cobbett would call 'a nice little book' on the subject: But we can no longer make room for more than a very brief abstract of its contents. That learned and excellent person first goes into a considerable and very curious detail, to show how far, and with what miserable effects, the experiment of extreme severity, as by torture and agonizing deaths, had been carried in ancient times, and in some modern nations; and then makes several curious quotations from English publications, from

1712 to 1814, in which additional and increased rigour was recommended, in the system as well as the execution of our own penal law. He then states an overwhelming multitude of facts, from the undoubted evidence of records, to show how opposite the practical effects of those rigorous enactments has been from what was intended;—and finally explains and illustrates *the principle* upon which the efficacy of punishment in any case must depend. 'Crime,' he observes, 'is prevented, not solely by legal enactment, but by the *joint* operation of three powers;—the *legal* power, or the fear of punishment awarded by law—the *moral* power, or the fear of the censure of the community—and the power of *religion*, or the fear of divine vengeance:—*Upon duly poising these*, I conceive the efficacy of all laws depends. When these powers UNITE, their effect is the greatest possible—when they OPPOSE each other, their separate efficacy is proportionally diminished.' This principle is then sifted and illustrated with the greatest possible ingenuity and candour; and some excellent observations are added, on the erroneous opinion, that men are influenced in moments of temptation by cool calculation as to the probable consequences of their yielding. 'Crimes,' it is truly and profoundly remarked, 'proceed not from *reason*, but from *passion*—and by passion must they be prevented.' This is afterwards applied to the cases of Fraudulent Bankruptcy, larceny, and forgery. But we must pause a little upon the general maxims we have just extracted.

'Crimes,' says Mr Montagu, 'proceed not from Reason, but from Passion, and by passion they must be prevented; that is, by keeping up in the community a sentiment of disapprobation of the act, and in the person disposed to commit it, a tendency immediately to recoil from the thought, without any calculation at all.' We can add nothing to the philosophic truth of this opinion. But all immoderately severe punishments have proceeded upon the contrary principle. The threat of capital punishment cannot be necessary to deter those placed out of the reach of temptation, to wit, the respectable and wealthy classes, from the picking of pockets. The lowest penalty, the calculation of the smallest chance of a discovery, is more than sufficient for them. It is intended, therefore, to counteract strong temptation and inclination: And here, again, it is ineffectual or worse, without the sentiment above spoken of; which sentiment cannot be created out of the punishment, but must be proportioned to the nature of the act. It is the nature of passion to be blind to mere consequences: nay, more, it is the nature of passion, when its purpose is once fixed, to justify itself, and to resist and harden itself against consequen-

ces. Intimidation, by being indiscriminately applied, acts as an incentive to defiance and desperation. The object of the will is to have its own way. This it will have, let the consequence be what it may; and, in order that it may have it, it is armed with an *ad libitum* reserve of fool-hardiness, insensibility, and obstinacy, to meet whatever chances and changes may be thrown in its way. This faculty, which enables them to fulfil their destiny and brave the law, is not peculiar to thieves. As Sir Richard Phillips has very well put the case in his answer on this point, 'The dread of death has 'no greater effect on thieves than the fatal consequences of vi- 'cious gratification, or than the usual consequences of an in- 'dulgence of vicious habits, have on mankind in general.' The sailor, the soldier, the duellist, all meet death without shrinking, in the course of their several vocations. The drunkard too knows his fate, but does not desist the more: nay, it is the sense of that, the consciousness of an obstacle in his way, that irritates his will, makes him impatient of remonstrance and restraint, and urges him on to greater excesses, and to drown all forethought in utter insensibility and disregard of the future. He gives to-morrow to the winds, with scorn and insult. The soldier's courage, in like manner, is wound up by the danger he is in; and the whizzing of bullets round his head, or the sight of dead bodies at his feet, only steels him against the fear of death. The sailor hears of storms, of battles, of shipwrecks, and feels himself the more enamoured with this precarious mode of life:—he meets with some of these disasters, and for a while has a surfeit; but goes to sea again. That is, the will, according as it has occasion for it, or is so disposed, has a power to dwell on any circumstances, and to blind itself to any contingencies it pleases.

Such is human nature; and shall we make a law against it? Thieves are addicted to their way of life from habit, or are driven to it by necessity: It becomes their profession, for want of a better, and the point of honour with them; and, though a false point of honour, it is the point of honour still. Courage, fortitude, the 'scorning to wince or whine,' the not being easily damped by disgrace or danger or death, is the first principle, the implied condition of their mode of life. This is necessary to them every moment; they could not otherwise continue in it a single day, or enjoy an hour's quiet: They are obliged to screw themselves up daily and nightly to disregard the disagreeable alternatives to which they are liable; and the greater the punishment annexed to the crime, the greater the mechanical insensibility to which they work themselves up, in order to commit it with the

greater unconcern. This is what is meant by the old observation, that *severe punishments harden offenders.* It is looked upon as extraordinary that they should do so: But it would be much more extraordinary if they did not. Such persons have no thoughts of *taking up*, or means ordinarily held out to them so to do, even were they inclined; and the additional penalty on their regular calling does not make them more in love with the law, but the crime. They look upon the law as their natural enemy; and its rigour makes them hate, its uncertainty (the effect of that rigour) makes them despise it the more. If they can charge it with manifest cruelty, they triumphantly appeal to the sentiments of the community in their favour; if it is executed in spite of those sentiments, they consider themselves as the victims of persecution, and go to the gallows with the resolution of martyrs in the cause of justice. If the letter of the law is not executed, it excites odium and contempt at once—*Omne tulit punctum.* It has the effect of malice defeated; and in the successful evasion of the greater punishment held out *in terrorem*, the culprit in a manner forgets, and is indifferent to the lesser one inflicted.

There is not only a determination in the human mind to set untoward consequences at defiance, but (where they appear to be inevitable) even to court them. This is what is understood by the power of *fascination.* Thieves are subject to this power, like other men, as they are to that of gravitation. Objects of terror often haunt the mind; and, by their influence in subduing the imagination, draw the will to them as a fatality. Persons in excessive and intolerable apprehension fling themselves into the very arms of what they dread, and are impelled to rush upon their fate, and put an end to their suspence and agitation. These are said to be 'the toys of desperation:' and, fantastical as they may appear, Legislators ought to pay more attention to this than they have done; for the mind, in those extreme and violent temperaments which they have to apply to, is not to be dealt with like a mere machine. Gibbets, which have now become very uncommon, may, we think, have produced equivocal effects in this way. They belong to the class of what are called interesting objects. They excite a feeling of horror, not altogether without its attraction, in the ordinary spectator, and startle while they rivet the eye. Who shall say how often, in gloomy and sullen dispositions, this equivocal appeal to the imagination may not have become an ingredient to pamper murderous thoughts, and to give a superstitious bias to the last act of the will? To see this ghastly appearance rearing its spectral form in some solitary place at nightfall, by

a wood-side or barren heath,—to note the wretched scarecrow figure dangling upon it, black and wasted, parched in the sun, drenched in all the dews of Heaven that fall cool and silent on it, while this object of the dread and gaze of men feels nothing, knows nothing, fears nothing, and swings, creaking in the gale, unconscious of all that it has suffered, or that others suffer—there is something in all these circumstances that may lead the mind to tempt the same fate, and place itself beyond the reach of mortal consequences!—Simple hanging, on the contrary, has nothing inviting in it. It is a disagreeable contemplation in all respects. The broken slumbers that precede it—the half-waking out of them to a hideous sense of what is to come—the dull head and heartach—the feverish agony, or the more frightful deadness to all feeling—the weight of eyes that overwhelm the criminal's—the faint, useless hope of a mockery of sympathy—the hangman, like a spider, crawling near him—the short helpless struggle—the last sickly pang:—all combine to render this punishment as disgusting as it is melancholy. A man must be tired of his life, indeed, to be ever prompted by such a spectacle to go out of the world in the same way: though, it must be confessed, that it is enough to give one a contempt for humanity, and for all that belongs to it. We think it is a mode of punishment most desirable—to be avoided by every one. It is, however, calculated, if any thing can be, to tame the utmost violence and depravity of the human will, by showing what a poor mean creature a man is or can be made: but we surely are of opinion, it ought not to be inflicted for any act which does not excite the dread and detestation of the community, and cut the individual completely off from all sympathy. We do not conceive that stealing to the value of twelve-pence from the pocket, or of five shillings from a counter, does this; and therefore we are glad that the capital part of the punishment for these offences is abolished; since, though little else than a dead letter, it kept up a theory of wrong, and showed a mean hankering after inhumanity and injustice, which it is afraid to put in practice.

Mr Montagu states justly, that mankind are less deterred from crime by calculation of consequences, than by involuntary sympathy with others, and by the natural sense of right and wrong. The first has little influence, except in conjunction with the two last, and it may be well that it is so: since, if all sorts of arbitrary and capricious commands were of absolute force and validity in themselves, unseconded by opinion or conscience, there would be no end of 'the fantastic tricks which man, dressed in a little brief authority, might play before high

Heaven, to make the angels weep.' There has been too much of this work already; and a very little of the same spirit in future will be more than is wanted. There is enough of it lurking in the prejudices and vindictive passions of men; and it need not be fomented by panders and sophists. No punishment, we believe, will in the end be found to be wise or humane, or just or effectual, that is not the natural reaction of a man's own conduct on his own head, or the making him feel, in his own person, the consequences of the injury he has meditated against others. It is impossible to force this sentiment in the individual or the community up to the same degree of horror against the smallest as against the highest crimes by a positive law. Every such unequal enactment is in fact so much outrage and injury done to the very foundation and end of all law: But where a punishment is in conformity to this sentiment, the mind, instead of resisting and resenting, acquiesces in it as a dictate, not of caprice or will, but of equal justice between man and man; and anticipates it, by a sure instinct of moral arithmetic, as a necessary and direct consequence of its own actions. A punishment that has not this natural as well as legal sanction, fails to bend and overawe the will: it only hardens and irritates, as was said before. It does not strike upon the mind even in the shape of terror; for the imagination easily rejects, as incredible, that which it regards as wholly unfounded and unwarrantable. It is the link of moral and social sympathy alone which can ever bring the penalties affixed by law to any crime home to the mind of the criminal, so as to produce, 1. intimidation, 2. conviction and reform. For instance, to show how punishment operates when the sense of natural justice and necessity goes along with it, we will suppose the case of a murderer in his cell, and consider how his situation affects himself and the community. We will not say that the latter feel no pity for him (God forbid!)—but they feel it, as he almost feels it himself, not altering the stern sense of justice. In fact, he appears to the imagination less a sacrifice to the vengeance of the laws, than a ready accomplice with them—a victim self-doomed and self-condemned. His limbs are not only manacled, his life a forfeit; but his conscience is limed, his reason is in the strong toils of the law, that has pronounced sentence upon him. He is delivered up, bound hand and foot, body and mind—is his own judge and executioner. He seems to be tainted all over—a mass of corruption wasting away with loathing of itself—falling in pieces for want of support from the fellow-feeling of a single fellow-creature. He breathes thick and short the stifling close-pent air of guilt; and waits for the parting of soul and body as

a timely release from his own reflections, and the general enmity of the community. Not so the terrified victim of an arbitrary law, a woman perhaps condemned for uttering forged Bank of England notes, dragged, torn to the place of execution 'with shrieks like mandrakes,' whose fate excites equal agony in her own mind, and dread in the public; who hear indeed a great outcry about the alarming increase of contempt for the laws, but whose only real object of terror and disgust is the execution of them. This is a state of the law which ought not to continue a moment longer than it can possibly be helped. That we are bold to say. There should be a marked and acknowledged difference in the punishment of crimes, or there must be a loss of all sense of moral distinction, or of all respect for the laws that systematically hold it in complete scorn.

So far it should seem, then, that the Committee have been right in recommending the abolition of capital punishment in the cases in which they have done so, if in no others. It remains to consider what other punishments are fit to be substituted for it, and what other securities may be found for the community. On this question the evidence of Mr Harmer, on which the Committee lay considerable stress, is of great weight and importance.

'I mention,' he says, 'these circumstances, to show what little fear common thieves entertain of capital punishment; and that, so far from being arrested in their wicked courses by the distant possibility of its infliction, they are not even intimidated at its certainty; and the present numerous enactments to take away life, appear to me wholly inefficacious. But there are punishments which I am convinced a thief would dread, and which, if steadily pursued, might have the most salutary effect; namely, a course of discipline totally reversing his former habits. IDLENESS is one of the prominent characteristics of a professed thief—put him to labour:—DEBAUCHERY is another quality, abstinence is its opposite, apply it:—DISSIPATED COMPANY is a thing they indulge in; they ought, therefore, to experience solitude:—They are accustomed to UNCONTROLLED LIBERTY OF ACTION; I would consequently impose restraint and decorum; and were these suggestions put in practice, I have no doubt we should find a considerable reduction in the number of offenders: I say this, because I have very often heard thieves express their great dislike and dread of being sent to the House of Correction, or to the Hulks, where they would be obliged to labour, and kept under restraint; but I never heard one say he was afraid of being hanged. Formerly, before Newgate was under the regulations that it now is, I could always tell an old thief from the person that had for the first time committed crime: the noviciate would shudder at the idea of being sent to Newgate; but the old thief would request that he might be committed at once to that prison by the magistrate, because

he could there associate with his companions, and have his girl to sleep with him, which, some years back, used to be allowed or winked at by the upper turnkeys: but, since the late regulations, certainly I have not heard of such applications being made by thieves, because now they are as much restrained and kept in order in Newgate as in other prisons. From my observation, I am quite certain that a thief cannot bear the idea of being kept under subordination. As to transportation, I with deference think it ought not to be adopted, except for incorrigible offenders, and then it ought to be for life; if it is for seven years, the novelty of the thing, and the prospect of returning to their friends and associates, reconciles offenders to it, so that in fact they consider it no punishment; and when this sentence is passed on men, they frequently say, "Thank you, my Lord." Indeed this is a common expression, used every Session by prisoners, when sentenced to seven years' transportation.' p. 109.

Such is the deliberate opinion, gleaned from twenty years' thought and experience, of one who has been concerned during that period in constant trials at the Old Bailey, and who is equally distinguished by assiduity, acuteness and humanity, in his profession. It is amusing, however, to see how it has been treated by the enemies of all improvement. If a speculative philosopher, unused to the ways of the world, gives an opinion on what he thinks best, it is set down as romantic extravagance, or pitiable simplicity, that will not bear the test of experience. If a person conversant (to a painful degree of intimacy) with vice and infamy comes to the same general conclusion, a delicate prudery is assumed on the occasion, and a sensibility to the nice gradations of vice and virtue is arrogated for those whose purity of imagination has not been contaminated by the contact of actual depravity; and we are referred to the respectable classes of the community for the most authentic information as to the motives, feelings, and mode of operating on the minds of rogues and vagabonds, these last being supposed (from habitual obduracy) utterly ignorant of what passes in their own minds, and of the only things that do or can affect them!

In proposing to put a stop to the alarming increase of crime, by the continual threat, or the more frequent infliction of capital punishment, we do not find any attempt made to suppress, by such extreme severity, any other offences but offences against *Property*. We hear the number of common prostitutes spoken of as an enormous evil, and as tending to increase the number of thieves and pickpockets: and *Seduction*, which leads to this deplorable consequence, is itself a great evil; yet we hear of no attempt to punish seduction with death, which yet does a great deal more harm, one year with another, than the mischievous propensity for cutting down young trees, or rooting up whole

plantations. The reason is, seduction is practised by the rich, as well as others. *Drunkenness* is a beastly vice, and does all the mischief in the world to the health and to the morals: but it is common to all classes of the English nation; and no one, therefore, thinks of putting down this alarming and extensive evil, by making it capital to take a drop too much. Yet, would it not lessen the crime, if a man inclined to commit it were to be told—'If you get drunk to-night, you will be hanged, or with a headach to-morrow;' instead of being only told—'You cannot be hanged, but you will probably have the headach to-morrow?' *Gambling* is another very prevalent vice, and does incalculable mischief; but it is not confined to the lower orders; and therefore no one proposes a sweeping clause to make it capital without benefit of clergy. Thieves, on the contrary, are never persons of distinction or independent fortunes. It is a most ungentlemanlike vice, uniformly committed by the lower against the upper classes; and therefore there is so little hesitation in making it a capital felony, and so much difficulty and fuss about taking away the capital part of the penalty in the most common and trivial instances of it. Yet, in spite of this alarming and unheard-of increase of crime (the crime of privately stealing from the pocket, the dwellinghouse, or counter), which one would suppose had, like an Egyptian plague, infested every corner of the land, made our streets impassable, and our homes uncomfortable, we live and do well, we sleep sound in our beds, and do not dream of shop-lifters or cut-purses. The evil complained of may have alarmingly increased; but still it is confined within petty limits. It does not burst asunder any of the great bonds of society, nor practically disturb human life: it does not give a moment's annoyance to one individual in a thousand, in the course of a year, nor an hour's serious concern even to the person who may chance to suffer by it. He reads the account of his disaster the next day in the newspaper, and is satisfied. Why, because he knows that the practice is necessarily confined to certain classes of persons, which can never increase to an unlimited extent. It is agreed, that only the lowest of the lower classes turn common thieves; and this is construed into a proof of the greater depravity of those classes. This requires explanation.

The man of ten thousand a year confessedly does not steal: he has no possible temptation. Again, the man of a thousand a year does not. The lawyer, in the full career of his profession, does not violate the law in this respect, nor the merchant in a large way of business. They do not want the money; or they can get it in a much easier and more reputable way. But the

man who has not a penny in his purse, nor any means of getting a farthing, steals to save himself from starving. Theft is not, at least in the first instance, a voluntary or a malicious crime; and therefore should be distinguished from those that are. It is not a vice of general inclination, or of inherent depravity, but of particular circumstances. Place a thief in the circumstances of a gentleman, and he will no longer be a thief—though he may carry all his other bad propensities into his new character.

Take the most common case of the first lapse into this offence, and consider with what feelings it would be just or natural to view it. What, then, is the meaning of the outcry against the lawless depravity of the lower classes in this country? A man is a labourer or a mechanic; he has a wife and children to support; he works night and day; he denies himself almost every thing; still he finds it difficult to live. He is taken sick, or thrown out of employ; he is reduced to the utmost extremity; he still holds out, and clings to the last chance of hope and honesty; but in vain—his patience and his principle will last no longer—and he steals! Why? Not from want of industry; he had the greatest—not from want of economy; he observed the strictest—not from want of abstinence; he almost starved himself to death—not from want of fortitude; he bore every sort of distress and hardship without repining—not even from want of honesty; for the first departure from it almost broke his heart. Yet he and his class are accused of a total want of decency and moral principle, from his not having an heroic degree of these virtues, not one of which the higher classes are so much as ever called upon to practise, or to make the smallest sacrifice to. To argue, therefore, against the good disposition of the lower classes generally, because they alone are subject to those temptations which produce a particular violation of the law, when the truth is, that by far the greater part of them are continually holding out to the last extremity of despair, of sickness, and often of life itself, in struggling against those temptations, is most base and unmanly.

The increased distress of the lower classes will accordingly account, if not for the whole mass of petty depredation, for the present alarming increase of this crime. Suppose an unusual tendency to idleness and extravagance to operate in producing this result in some characters sooner than in others, yet it would not produce it even in those characters without the great hardships and privations they have to undergo. A lawyer who sells 'golden opinions to all sorts of people,'—in whose chambers 'it snows of bank-notes,'—feels no temptation to be idle: he has his sti-

mulus to the virtue of industry, always at hand, and always powerful. He rises early—(so will any man who has any thing to do)—and will not sit up more than three nights running for any attorney in London. Good: he has his reasons, and they are sufficient. But do they affect the law-stationer (we mean his man), who works at the most wretched drudgery, almost for nothing, and has not work to do half his time? Or, because *he* grows tired of that which has no inducement to recommend it, and in the intervals of hopeless leisure, sots away his time at the alehouse, and, to pay his score, commits a larceny, after twenty or thirty years' hard, thankless, unprofitable labour,—is it because he is a more idle, or a less fortunate man than his employer?

We need not pursue this reasoning farther. The proof is self-evident in favour of the industrious, self-denying, moral habits of the common people of England; for they are the only people who ever feel the temptation to violate their obligations to honesty, and they do not do it once in a thousand extreme cases. If, however, they do it once, it is all over with them: and infamy, grinning at their backs, blocks out their return to the path of honesty ever after. They are thus driven upon desperate courses, both from want and shame; and become *confirmed* thieves. Those whose parents have been so before them, and have brought them up without any other means of a livelihood, or notions of morality, are *hereditary* thieves; and this is the third and last stage. The first are so from accidental causes: the second from habit: the third from education. What is to be the cure of these severally? The answer to all three at once, like Swift's Short Way with the Dissenters, is on the present or late system—hanging; or else, 1. treating the first accidental offence as an incorrigible disease; 2. curing bad habits and inclinations by an unreserved indulgence of them in prison; 3. ingrafting upon the vices of education the contagion of the worst examples, in prison and out of it.

We think it better to try, at least, the new, and, as it is called, improved system, 1. of giving those who have been led away, by temporary necessity, a probation in Penitentiary Houses; 2. of correcting (if it be possible) bad habits, by substituting opposite ones in a course of prison-discipline; and, 3. of preventing the evils of ignorance, and want of proper education, by a better education. Or, lastly, where these are found insufficient at home, the Transportation system, by flinging the victims of vice, of shame, of ignorance and necessity, entirely out of themselves, their old ideas and habits, and giving them a new country, and almost a new being, may be tried with effect. At any rate, all these methods

afford security to society, and a chance of reform and repentance to the individual.

Conciliation is, in most cases, the dictate of justice no less than of policy. You cannot produce conviction by unjust measures: you will seldom intimidate by violent ones: But you may wean from crimes, by lessening the temptation to commit them, and by making the vices punish themselves, in the privation of the very indulgences they aim at securing. Consideration for others is the first step to awaken reflection in them. Compassion begets confidence, and confidence a willingness to hearken to reason: whereas irritation and severity can only preclude all sympathy, and increase the hardened insensibility which is now viewed as excluding all hopes from a milder and more effectual treatment.

But (we hear those crying out who always turn good into evil and light to darkness) consider the expense of your improved system. Calculate the cost of your penitentiaries, your gaols, (no longer like the dens of wild beasts, or styes for swine to be huddled together), your distant colonies; consider well what it will take you to keep all those whom you do not hang, or put into a way of being soon hanged. Oh! let not our economy begin by taxing our humanity: let us not lavish millions in wanton waste and wide-spread mischief, and grudge a few thousands of the public money for the public service! Let us not vote endless sums for everlasting worthless jobs, and buildings planned for havoc and destruction, and then 'turn askance with jealous leer malign' from the first building that greets our eyes, raised for the salvation of men, as from the rock on which the hopes of future generations must split, and as if it were a mill-stone tied, like another national debt, round the neck of the country. But again (and waving this objection) it is asked, If you improve the system of coercion so as to answer the ends of reform to some, how will it answer those of intimidation to others? Never mind:—if it does not intimidate others, then reform *them* too. But this is a needless alarm. No system of coercion can have charms for the unspotted and the free, so as to induce them to plunge into Penitentiaries of the most elegant description, or cross pathless oceans, to emerge on pathless wildernesses; and as to offenders themselves, depend upon it, that there is nothing that inspires such dread into all this class of persons (from the highest to the lowest) as the idea of subjecting them to any ordeal that is likely to end in Reform.

But the true and decisive answer is, that the new system *has succeeded* as far as it has been tried, both here and in other countries; and the only evil likely to result from its farther

extension seems to be, that it may deprive police-officers of the reward for the conviction of offenders, and the keepers of night-houses of the profits derived from harbouring them in the mean time. As to Mr Harmer's suggestion, that transportation should be reserved for incorrigible offenders, we do not immediately enter into it. If applied early and judiciously, it might operate to prevent the growth of incorrigibly bad habits; and, by breaking off at once all connexion with former associates and pursuits, plant a new race of men in a new soil, or ingraft them on a prior settlement, with other and better prospects. Mrs Fry, we believe, has already done much good by her attempts to reform different sorts of prisoners: and it is to be remembered that she belongs to a sect, whose practice, as well as creed, is benevolence. The Quakers have taken a considerable interest in this question; and to them we also, in a great measure, owe the Abolition of the Slave-Trade. They have been ridiculed, as a body, for not lending themselves to the pomps and vanities of the world; but they devote themselves to prying into, and alleviating its evils. If you see one of them come into a bookseller's shop, it is not to inquire for Campbell's Pleasures of Hope, or for Rogers's Pleasures of Memory, but for Buxton on Prison Discipline, or for the Last Account of the State of the Gaol at Leicester. These are *their* delights, their luxuries, and refinements. They do not indeed add new grace to the 'Corinthian capitals of polished society,' but they dig down into its dungeon-glooms and noisome sewers,—

'Do good by stealth, and blush to find it fame.'

They bear the yoke of the wretched, and lighten the burden of humanity—and they have, and will have their reward.

Art. V. *Melmoth, the Wanderer.* 4 Vols. By the Author of Bertram. Constable & Co. Edinburgh, 1820.

It was said, we remember, of Dr Darwin's Botanic Garden—that it was the sacrifice of Genius in the Temple of False Taste; and the remark may be applied to the work before us, with the qualifying clause, that in this instance the Genius is less obvious, and the false taste more glaring. No writer of good judgment would have attempted to revive the defunct horrors of Mrs Radcliffe's School of Romance, or the demoniacal incarnations of Mr Lewis: But, as if he were determined not to be arraigned for a single error only, Mr Maturin has contrived to render his production almost as objectionable in the manner as,

it is in the matter. The construction of his story, which is singularly clumsy and inartificial, we have no intention to analyze: —many will probably have perused the work, before our review reaches them; and to those who have not, it may be sufficient to announce, that the imagination of the author runs riot, even beyond the usual license of romance;—that his hero is a modern Faustus, who has bartered his soul with the powers of darkness for protracted life, and unlimited worldly enjoyment;—his heroine, a species of insular goddess, a virgin Calypso of the Indian ocean, who, amid flowers and foliage, lives upon figs and tamarinds; associates with peacocks, loxias and monkeys; is worshipped by the occasional visitants of her island; finds her way to Spain, where she is married to the aforesaid hero by the hand of a dead hermit, the ghost of a murdered domestic being the witness of their nuptials; and finally dies in the dungeons of the Inquisition at Madrid!—To complete this phantasmagorie exhibition, we are presented with sybils and misers; parricides; maniacs in abundance; monks with scourges pursuing a naked youth streaming with blood; subterranean Jews surrounded by the skeletons of their wives and children; lovers blasted by lightning; Irish hags, Spanish grandees, shipwrecks, caverns, Donna Claras and Donna Isidoras,—all opposed to each other in glaring and violent contrast, and all their adventures narrated with the same undeviating display of turgid, vehement, and painfully elaborated language. Such are the materials, and the style of this expanded nightmare: And as we can plainly perceive, among a certain class of writers, a disposition to haunt us with similar apparitions, and to describe them with a corresponding tumor of words, we conceive it high time to step forward and abate a nuisance which threatens to become a besetting evil, unless checked in its outset.

Political changes were not the sole causes of the rapid degeneracy in letters that followed the Augustan era of Rome. Similar corruptions and decay, have succeeded to the intellectual eminence of other nations; and we might be almost led to conclude, that mental as well as physical power, after attaining a certain perfection, became weakened by expansion, and sunk into a state of comparative imbecility, until time and circumstance gave it a new progressive impetus. One great cause of this deterioration is the insatiable thirst for novelty, which, becoming weary even of excellence, will 'sate itself in a celestial bed, and prey on garbage.' In the torpidity produced by an utter exhaustion of sensual enjoyment, the Arreoi Club of Otaheite is recorded to have found a miserable excitement, by swallowing the most revolting filth; and the jaded intellectual

appetites of more civilized communities will sometimes seek a new stimulus in changes almost as startling. Some adventurous writer, unable to obtain distinction among a host of competitors, all better qualified than himself to win legitimate applause, strikes out a fantastic or monstrous innovation; and arrests the attention of many who would fall asleep over monotonous excellence. Imitators are soon found;—fashion adopts the new folly;—the old standard of perfection is deemed stale and obsolete;—and thus, by degrees, the whole literature of a country becomes changed and deteriorated. It appears to us, that we are now labouring in a crisis of this nature. In our last Number, we noticed the revolution in our poetry; the transition from the lucid terseness and exquisite polish of Pope and Goldsmith, to the rambling, diffuse, irregular, and imaginative style of composition by which the present era is characterized; and we might have added, that a change equally complete, though diametrically opposite in its tendency, has been silently introduced into our prose. In this we have oscillated from freedom to restraint;—from the easy, natural, and colloquial style of Swift, Addison and Steele, to the perpetually strained, ambitious, and overwrought stiffness, of which the author we are now considering affords a striking exemplification. 'He's knight o' the shire, and represents them all.' There is not the smallest keeping in his composition:—less solicitous what he shall say, than how he shall say it, he exhausts himself in a continual struggle to produce effect by dazzling, terrifying, or surprising. Annibal Caracci was accused of an affectation of muscularity, and an undue parade of anatomical knowledge, even upon quiescent figures: But the artist whom we are now considering has no quiescent figures:—even his repose is a state of rigid tension, if not extravagant distortion. He is the Fuseli of novellists. Does he deem it necessary to be energetic, he forthwith begins foaming at the mouth, and falling into convulsions; and this orgasm is so often repeated, and upon such inadequate occasions, that we are perpetually reminded of the tremendous puerilities of the Della Cruscan versifiers, or the ludicrous grand eloquence of the Spaniard, who tore a certain portion of his attire, 'as if heaven and earth were coming together.' In straining to reach the sublime, he perpetually takes that single unfortunate step which conducts him to the ridiculous—a failure which, in a less gifted author, might afford a wicked amusement to the critic, but which, when united with such undoubted genius as the present work exhibits, must excite a sincere and painful regret in every admirer of talent.

Whatever be the cause, the fact, we think, cannot be disputed, that a peculiar tendency to this gaudy and ornate style, ex-

ists among the writers of Ireland. Their genius runs riot in the wantonness of its own uncontrolled exuberance;—their imagination, disdaining the restraint of judgment, imparts to their literature the characteristics of a nation in one of the earlier stages of civilization and refinement. The florid imagery, gorgeous diction, and Oriental hyperboles, which possess a sort of wild propriety in the vehement sallies of Antar the Bedoween chieftain of the twelfth century, become cold extravagance and floundering fustian in the mouth of a barrister of the present age; and we question whether any but a native of the sister island would have ventured upon the experiment of their adoption. Even in the productions of Mr Moore, the sweetest lyric poet of this or perhaps any age, this national peculiarity is not infrequently perceptible; and we were compelled, in our review of his Lalla Rookh, a subject which justified the introduction of much Eastern splendour and elaboration, to point out the excessive finery, the incessant sparkle and efflorescence by which the attention of the reader was fatigued, and his senses overcome. He rouged his roses, and poured perfume upon his jessamines, until we fainted under the oppression of beauty and odour, and were ready to 'die of a rose in aromatic pain.'

Dryden, in alluding to the metaphysical poets, exclaims 'rather than all things wit, let none be there:'—though we would not literally adopt this dictum, we can safely confirm the truth of the succeeding lines—

> 'Men doubt, because so thick they lie,
> If those be stars that paint the Galaxy:'—

And we scruple not to avow, whatever contempt may be expressed for our taste by the advocates of the toiling and turgid style, both in and out of Ireland, that the prose works which we have lately perused with the greatest pleasure, so far as their composition was concerned, have been Belzoni's Travels, and Salame's Account of the Attack upon Algiers. Unable, from their insufficient mastery of our tongue, to rival the native manufacture of stiff and laborious verbosity, these foreigners have contented themselves with the plainest and most colloquial language that was consistent with a clear exposition of their meaning;—a practice to which Swift was indebted for the lucid and perspicuous character of his writings, and which alone has enabled a great living purveyor of 'twopenny trash' to retain a certain portion of popularity, in spite of his utter abandonment of all consistency and public principle. If the writers to whom we are alluding will not condescend to this unstudied and familiar mode of communing with the public, let them at least have the art to conceal their art, and not obtrude the conviction that they are more anxious to display themselves than inform their

readers; and let them, above all things, consent to be intelligible to the plainest capacity; for though speech, according to the averment of a wily Frenchman, was given to us to conceal our thoughts, no one has yet ventured to extend the same mystifying definition to the art of writing. It will be expected that we should support our animadversions upon Melmoth by a few extracts from its pages; and, as an illustration of the unmeaning rant which we have just deprecated, we select, amid many of similar sound and fury, signifying nothing, the following passage.

'But I feel another pride,' answered Melmoth, and in a proud tone he spoke it; 'a pride which, like that of the storm that visited the ancient cities, whose destruction you may have read of, while it blasts, withers, and incrusts paintings, gems, music and festivity, grasping them in its talons of annihilation, exclaims, Perish to all the world, perhaps beyond the period of its existence, but live to me in darkness and in corruption! Preserve all the exquisite modulation of your forms! all the indestructible brilliancy of your colouring! but preserve it for me alone!—me the single, pulseless, eyeless, heartless embracer of an unfertile bride—the brooder over the dark and unproductive nest of eternal sterility—the mountain whose lava of internal fire has stifled, and indurated, and enclosed for ever, all that was the joy of earth, the felicity of life, and the hope of futurity!' Vol. III. p. 307.

Of extravagant fustian upon trifling occasions, the following is a sample, uttered by a monk, because he is displeased with the preternatural lustre of Melmoth's eyes.

'Who is among us? Who? I cannot utter a blessing while he is here. I cannot feel one. Where he treads, the earth is parched! where he breathes, the air is fire! where he turns, his glance is lightning. Who is among us? Who?' Vol. I. p. 77.

After this, let us no longer smile at the furious hyperboles of Della Crusca upon Mrs Robinson's eyes. In the same strain we are told of a convent whose 'walls sweat, and its floors quiver,' when a contumacious brother treads them;—and when the parents of the same personage are torn from his room by the Director of the convent, we are informed that 'the rushing of their robes as he dragged them out, seemed like the whirlwind that attends the presence of the destroying angel.' In a similar spirit, of pushing every thing to extremes when he means to be impressive, the author is sometimes offensively minute; as when he makes the aforesaid persecuted monk declare, that 'the cook had learned the secret of the convent, (that of tormenting those whom they had no longer hopes of commanding), and mixed the fragments he threw to me with ashes, hair, and dust;'—and sometimes the extrava-

gance of his phrases becomes simply ludicrous. Two persons are trying to turn a key—'It grated, resisted; the lock seemed invincible. Again we tried with cranched teeth, indrawn breath, and fingers stripped almost to the bone—in vain.' And yet, after they had almost stripped their fingers to the bone, they succeed in turning that which they could not move when their hands were entire.

We have said that Mr Maturin had contrived to render his work as objectionable in the matter as in the manner; and we proceed to the confirmation of our assertion. We do not arraign him solely for the occasional indecorousness of his conceptions, or the more offensive tone of some of his colloquies, attempted to be palliated by the flimsy plea, that they are appropriate in the mouths that utter them. Dr Johnson, as a proof of the total suppression of the reasoning faculty in dreams, used to cite one of his own, wherein he imagined himself to be holding an argument with an adversary, whose superior powers filled him with a mortification which a moment's reflection would have dissipated, by reminding him that he himself supplied the repartees of his opponent as well as his own. In his waking dreams, Mr Maturin is equally the parent of all the parties who figure in his Romance; and, though not personally responsible for their sentiments, he is amenable to the bar of criticism for every phrase or thought which transgresses the bounds of decorum, or violates the laws that regulate the habitual intercourse of polished society. It is no defence to say, that profane or gross language is natural to the characters whom he embodies. Why does he select such? It may be proper in them; but what can make it proper to us? There are wretches who never open their lips but to blaspheme; but would any author think himself justified in filling his page with their abominations? It betrays a lamentable deficiency of tact and judgment, to imagine, as the author of Melmoth appears to do, that he may seize upon nature in her most unhallowed or disgusting moods, and dangle her in the eyes of a decorous and civilized community. We shall not stop to stigmatize, as it deserves, the wild and flagrant calumnies which he insinuates against three-fourths of his countrymen, by raking in the long-forgotten rubbish of Popery for extinct enormities, which he exaggerates as the inevitable result, rather than the casual abuse of the system, and brands with an intolerant zeal, quite as uncharitable as that which he condemns. These faults are either so peculiar to the individual, or in their nature so obviously indefensible, as to repel rather than invite imitation. But there is another peculiarity in the productions of this gentleman which claims a more

detailed notice, because it seems likely to have extensive effects in corrupting others:—we mean his taste for horrible and revolting subjects. We thought we had supped full of this commodity; but it seems as if the most ghastly and disgusting portion of the meal was reserved for the present day, and its most hideous concoction for the writer before us,—who is never so much in his favourite element as when he can 'on horror's head horrors accumulate.' He assimilates the sluggish sympathies of his readers to those of sailors and vulgar ballad readers, who cannot be excited to an interest in the battle of the Arethusa, unless they learn that 'her sails smoaked with brains, and her scuppers ran blood;'—a line which threatens him with formidable competitors from before the mast. Mere physical horror, unalleviated by any intense mental interest, or redeeming charities of the heart, may possess a certain air of originality, not from the want of ability in former writers to delineate such scenes, but from their deference to the '*multaque tolles ex oculis*' of Horace; from the conviction of their utter unfitness for public exhibition. There is, however, a numerous class of inferior caterers to the public, ready to minister to any appetite, however foul and depraved, if they be once furnished with a precedent; and we foresee an inundation of blood and abomination if they be not awed or ridiculed into silence. We have quietly submitted to these inflictions from two or three distinguished writers, whose talents may extenuate, though they cannot justify, such outrages upon feeling. When regular artists and professors conduct us into their dissecting room, the skill with which they anatomise may reconcile us to the offensiveness of the operation; but if butchers and resurrection-men are to drag us into their shambles, while they mangle human carcases with their clumsy and unhallowed hands, the stoutest spectators must turn from the exhibition with sickness and disgust.

Were any proof wanting that this Golgotha style of writing is likely to become contagious, and to be pushed to a more harrowing extravagance at each successive imitation, Mr Maturin would himself supply it. Lord Byron, in his Don Juan, had described a set of sailors, strangers to one another, reduced to the dreadful necessity of destroying one of their number to supply food for the rest; an incident sufficiently horrible in itself, but which the monstrous imagination of the present author instantly seizes to invest with a new, more loathsome, and absolutely incredible hideousness. The scene of his cannibal repast is a subterranean dungeon, where a beautiful woman and her lover are buried alive, by monkish cruelty, to perish by

starvation: of which process, the following circumstantial account is given by a fiend in human form, who was stationed at the door, and relates the dread catastrophe with a hellish delight.

'It was my penance (no,—my delight) to watch at the door, under the pretence of preventing the possibility of their escape (of which they knew there was no possibility); but, in reality, not only to inflict on me the indignity of being the Convent gaoler, but of teaching me that callosity of heart, and induration of nerve, and stubbornness of eye, and apathy of ear, that were best suited to my office.—But they might have saved themselves the trouble. I had them all before ever I entered the Convent. Had I been the superior of the Convent, I should have undertaken the office of watching the door. You will call this cruelty; I call it curiosity,—that curiosity which brings thousands to witness a tragedy, and makes the most delicate female feast on groans and agonies. I had an advantage over them,—the groan, the agony I feasted on were real. I took my station at *the door*—that door which, like that of Dante's Hell, might have borne the inscription, "Here is no hope,"—with a face of mock penitence, and genuine cordial delectation. I could hear every word that transpired.—For the first hours they tried to comfort each other,—they suggested to each other hopes of liberation,—and as my shadow, crossing the threshold, darkened or restored the light, they said—"that is he!"—then, when this occurred repeatedly, without any effect, they said, "No, no, it is not he!" and swallowed down the sick sob of despair, to hide it from each other. Towards night a monk came to take my place, and to offer me food. I would not have quitted my place for worlds; but I talked to the monk in his own language, and told him I would make a merit with God of my sacrifices, and was resolved to remain there all night with the permission of the superior. The monk was glad of having a substitute on such easy terms, and I was glad of the food he left me, for I was hungry now; but I reserved the appetite of my soul for richer luxuries. I heard them talking within. While I was eating, I actually lived on the famine that was devouring them, but of which they did not dare to say a word to each other.' . . . . . 'All that night, however, I heard their groans,—those groans of physical suffering that laugh to scorn all the sentimental sighs that are exhaled from the hearts of the most intoxicated lovers that ever breathed.'——'Then the agony of hunger increased; they shrunk from the door, and grovelled apart from each other. *Apart!*—how I watched that.—They were rapidly becoming objects of hostility to each other. Oh, what a feast to me!——The second night they raved and groaned (as occurred); and, amid their agonies (I must do justice to women whom I hate as well as men), the man often accused the female as the cause of all his sufferings; but the woman never—never reproached him. Her groans might indeed have reproached him bitterly, but she never

uttered a word that could have caused him pain. There was a change which I well could mark, however, in their physical feelings. The first day they clung together, and every movement I felt was like that of one person. The next, the man alone struggled; and the woman moaned in helplessness. The third night—how shall I tell it?—but you have bid me go on. All the horrible and loathsome excruciations of famine had been undergone; the disunion of every tie of the heart, of passion, of nature, had commenced. In the agonies of their famished sickness, they loathed each other;—they could have cursed each other if they had had breath to curse. It was on the fourth night that I heard the shriek of the wretched female;—her lover, in the agony of hunger, had fastened his teeth in her shoulder;—that bosom, on which he had so often luxuriated, became a meal to him now.' II. 234.

We have omitted this miscreant's flippant allusion to Madame de Sevigné and his own damnation, uttered in a spirit which (to use the author's own words upon another occasion), 'mingled 'ridicule with horror, and seemed like a Harlequin in the in-'fernal regions flirting with the furies:'—But we must not forget to mention, as little characteristic touches in this scene of preposterous horrors, that the monster who describes it was also a parricide, and that the female, on whose dying agonies he had feasted, was his only sister! After this appalling extract, we need not pursue our quotations from pages which, as more than one of the personages say of themselves, seem to swim in blood and fire; and we shall conclude with the following passage from a dream.

'The next moment I was chained to my chair again,—the fires were lit, the bells rang out, the litanies were sung;—my feet were scorched to a cinder,—my muscles cracked, my blood and marrow hissed, my flesh consumed like shrinking leather,—the bones of my leg hung two black withering and moveless sticks in the ascending blaze;—it ascended, caught my hair,—I was crowned with fire,—my head was a ball of molten metal, my eyes flashed and melted in their sockets:—I opened my mouth, it drank fire,—I closed it, the fire was within,—and still the bells rang on, and the crowd shouted, and the king and queen, and all the nobility and priesthood looked on, and we burned and burned! I was a cinder, body and soul, in my dream.' II. 301.

These, and other scenes equally wild and abominable, luckily counteract themselves;—they present such a Fee-fa-fum for grown up people, such a burlesque upon tragic horrors, that a sense of the ludicrous irresistibly predominates over the terrific; and, to avoid disgust, our feelings gladly take refuge in contemptuous laughter. Pathos like this may affect women, and people of weak nerves, with sickness at the stomach;—

it may move those of stouter fibre to scornful derision; but we doubt whether, in the whole extensive circle of novel readers, it has ever drawn a single tear. The Society for the Suppression of Mendicity has fortunately cleared our streets of the offensive vagrants who used to thrust their mangled limbs and putrid sores into our faces to extort from our disgust what they could not wring from our compassion:—Be it *our* care to suppress those greater nuisances who, infesting the high ways of literature, would attempt, by a still more revolting exhibition, to terrify or nauseate us out of those sympathies which they might not have the power to awaken by any legitimate appeal.

Let it not be imagined, from any thing we have now said, that we think meanly of Mr Maturin's genius and abilities. It is precisely because we hold both in respect that we are sincerely anxious to point out their misapplication; and we have extended our observations to a greater length than we contemplated, partly because we fear that his strong though unregulated imagination, and unlimited command of glowing language, may inflict upon us a herd of imitators who, 'possessing the contortions of the Sybil without her inspiration' will deluge us with dull, turgid, and disgusting enormities;—and partly because we are not without hopes that our animadversions, offered in a spirit of sincerity, may induce the Author himself to abandon this new Apotheosis of the old Raw-head-and-bloody-bones, and assume a station in literature more consonant to his high endowments, and to that sacred profession to which, we understand, he does honour by the virtues of his private life.

ART. VI. *An Inquiry concerning the Power of Increase in the Numbers of Mankind. Being an Answer to Mr Malthus's Essay on that Subject.* By WILLIAM GODWIN. London, 1821.

WE are surprised at this publication of Mr Godwin. Notwithstanding the prejudices which have prevailed against him on account of his moral and political theories, we have always felt a respect for his talents; and have thought that his reputation has been as much too low of late years, as it was too high soon after he wrote his Political Justice. The present work proves, either that we were wrong in our estimate of his powers, or that they are now greatly impaired by time. It appears to us, we confess, to be the poorest and most old-womanish performance that has fallen from the pen of any writer of name, since we first commenced our critical career. So long

as Mr Godwin's judgment remained in sufficient vigour to repress useless ebullitions of anger against Mr Malthus, he seems to have bit his lips in silence; and this laudable restraint lasted twenty years. But the sight of a fifth edition of the Essay on Population, operating, as we must suppose, upon an enfeebled judgment, was at length too much for him. As he says himself, he could refrain no longer: * he determined, at all events, to take the field; and, not being well prepared with the weapons of sound argument, he, like an old scold, 'unpacks his heart in words.' Though he professes a personal respect for Mr Malthus, there is no kind or degree of abuse which he does not pour out upon his doctrines. He regards them with inexpressible abhorrence. They are portentous; they are calamitous; they are appalling; they are disgusting; they are atrocious; they are cabalistical, &c. &c. &c. He says he is full of matter, and that the spirit within constraineth him; † and this is the kind of stuff which he pours forth.

Now, we really think that this mode of treating a subject, on which a just decision is confessedly of great importance to the happiness of society, is utterly disgraceful to any writer of character and ability. If the arguments which Mr Godwin can advance against Mr Malthus's theory be just, there can be little doubt of its being overthrown without the aid of abuse. If, on the other hand, Mr Malthus be correct in the view which he has taken of the law of population, abuse cannot possibly do any good, though it may obviously do some harm.

We confess that we have, for many years, been in the habit of considering the question of the principle of population as set at rest by Mr Malthus. We should not, however, in any degree, have objected to see the view which he has taken of it *proved* to be fundamentally erroneous; but we really think that it would be a serious misfortune to society, and to the labouring classes in particular, that it should be believed to be erroneous, when it is not.

On first looking over Mr Godwin's work, we were certainly not disposed to pay such a compliment to his eloquence, aided even by the zest of abuse, as to think that it would make what was true appear to be false; and, as the book was dear, and not likely to fall into the hands of the labouring classes, unless brought forward and quoted by others, which, from the manner in which the subject is treated, could not have been expected, we had no thoughts of noticing it. To our great surprise, however, we heard that it had made some impression in London upon a certain class of readers; and, to our still greater

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* Preface, p. vi. † Ibid. p. vi.

surprise, we learned from the papers, that, upon occasion of a late discussion on the Poor-Laws Amendment Bill, it had been referred to by a member of the House of Commons as an elaborate work, which, in the opinion of good judges, had shown that Mr Malthus's statements respecting the rate of the increase of population were quite unfounded. This set us upon looking again at the work which we had thrown aside; and, having convinced ourselves that the tables, and remarks upon them, brought forward by Mr Godwin and his friend Mr Booth, instead of weakening the statements of Mr Malthus, tend to establish them on firmer foundations than ever, we think it may be of use, in reference to the subject generally, to state the grounds of this conviction.

It would be quite a waste of time to follow Mr Godwin through the mass of abuse, repetition, and irrelevant matter, of which the different divisions of his work consist. We shall hasten at once to the latter part of the third book, which contains the only argument which has any appearance of shaking, by an appeal to facts, the ratios of the natural increase of population laid down by Mr Malthus.

In this part of the work, which appears to be written by a Mr Booth, after many pages of the most solemn and absurd trifling which we have ever witnessed, * the following useful observation occurs.

'When enumerations are taken every ten years, it is obvious, exclusive of immigration, that in any particular census the persons living above ten years of age must have all existed in the census immediately preceding. In that of 1810, for instance, all above ten years formed part of the population of 1800; and are in reality the same, except inasmuch as they are diminished by death. Those under ten have all been born in the interval between the censuses.'

This observation may serve to form a rule by which to judge of the amount of immigration in any country where such censuses are taken; because the excess of the population above ten years of age in the second census, after a proper allowance has been made for the mortality in the interval, must consist of persons who have emigrated from other countries.

We are disposed to give Mr Booth some credit for this rule, which, though obvious, has not, that we are aware of, been sug-

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* Mr Booth gravely informs us, that *in fact* the Swedish children are brought into the world by the child-bearing females, p. 270. He takes a world of pains to prove, that population can never increase in a geometrical progression, *strictly regular*. In this attempt he fails; but, if he had succeeded, of what possible consequence would it be to the general argument?

gested before. But we cannot give him credit for the manner in which he applies it. Here his general want of information shows itself, and leads him into gross errors, which render his conclusion quite wide of the truth. A very slight consideration will be sufficient to show the nature and effect of those errors.

Before we can ascertain the amount of immigration from the numbers above ten years old in the second census, it is obvious that we must make a proper allowance for the mortality of the population of the first census in the ten years between the first and second. Mr Booth, proceeding, we suppose, upon the supposition that the mortality in the United States is 1 in 40, imagines that he shall obtain the mortality of the ten years in question, by multiplying the mortality of one year by ten; and so infers, that the population of the first census would, in ten years, be diminished by $\frac{10}{40}$ or $\frac{1}{4}$. He forgets, or perhaps he never knew, that the very early years of life are the greatest contributors to the annual mortality. In a table of the numbers in different ages dying annually in Sweden, brought forward by Dr Price, ‡ it appears, that the mortality of the male children under one year of age was 1 in $3\frac{1}{2}$, while the mortality between the ages of 5 and 10 was 1 in 68; between the ages of 10 and 15, 1 in 131; and between the ages of 15 and 20, 1 in 139. It is quite obvious, therefore, that the ten years' mortality of a population which is rising into the healthiest stages of life, and is not affected by fresh births, and the frail tenure of existence in its earliest periods, must be essentially different from the annual mortality of the whole population multiplied by ten.

According to Dr Price's table, before adverted to, the annual mortality of the male population of Sweden for 21 years, from 1755 to 1776, was 1 in $38\frac{1}{4}$, and of the male and female taken together, 1 in 34.6; but, if a calculation be made from this, and the table immediately preceding it, with a view to ascertain the loss in ten years on a population, none of which had been born during that time, it will appear that this loss will be 1 in 52.89, or nearly 1 in 53.; while, if the annual mortality had been multiplied by ten, the loss would have been as much as 1 in 34.6.

On the annual mortality of the population of the United States, writers have differed. Mr Barton, in the Transactions of the Society at Philadelphia (Vol. iii. No. 7.), has stated it to be 1 in 45; while Mr Winter and others, without referring to any documents of authority, have made it as high as 1 in 40. We should suppose, from the peculiar structure of the American population, and the great excess of the births above the deaths, that it was less than Mr Barton's estimate, as, even upon

‡ Observations on Reversionary Payments, vol. ii. p. 124.

his estimate, the expectation of life would not be so high as in Sweden; which, considering the numbers which must die in the latter country, from the consequences of scarcity and bad food, is making a large allowance for the greater natural unhealthiness of America. It is comfortable, however, to get rid of these sweeping and conjectural estimates, by an appeal to recorded facts; and we find that the mortality of Philadelphia, according to bills published by the Board of Health for eight years, from 1807 to 1814 inclusive, was found to be no more than 1 in 43, as stated in the valuable work of Dr Seybert.* And if the mortality of the greatest towns in America be less than 1 in 40, we should expect that the mortality of the whole country would be less than 1 in 50; and this is the conjecture of Dr Price. We should be aware that a mortality of 1 in 50 in America, where the increase is so rapid, does not imply a greater degree of healthiness than 1 in 34.6 in Sweden, where the population increases very slowly.

Adopting, however, the estimate of Mr Barton, if we apply the calculated proportion of loss in ten years which would take place in Sweden, where the general mortality is 1 in 34.6 to America, where the general mortality is 1 in 45, we shall find that the population existing at the time of any one census, would have lost in ten years, or at the next census, $\frac{1}{6.878}$, or nearly $\frac{1}{7}$.

Instead, therefore, of subtracting $\frac{1}{4}$ for the loss of a given population in the course of ten years in America, we must subtract only $\frac{1}{6.878}$; and it will be found that this correction will make a very great difference in the appearance of immigration.

According to the American tables, as stated in Mr Godwin's work, it appears that the white population of 1800 was 4,305,971. If, from this number, we subtract the $\frac{1}{6.878}$ part for the diminution of the population in ten years, the population of 1800, which should be found living in 1810, will be 3,679,971, instead of 3,200,000, as stated by Mr Booth; and, subtracting 3,679,971 from 3,845,389, the population above ten years of age actually found living in the census of 1810, we shall have 165,418 for the amount of immigration in ten years, instead of 645,389, as

* Statistical Annals of the United States, p. 50. This work appears to be sanctioned by the Congress, and contains, we believe, all the authentic materials which are to be found on the subject of population in that country.

stated by Mr Booth. If we then proceed to deduct the amount of immigration so found from 5,862,093, the whole white population of 1810, the remainder will be 5,696,623; and the difference between 4,305,971, the population of 1800, and the number 5,696,623 will express the increase of population between 1800 and 1810, independently of immigration, or by procreation only.

To ascertain the period of doubling which would result from this increase in ten years, we have only to apply the formula given by Dr Price (in vol. i. p. 285.), or the rules relating to compound interest or geometrical progression to be found in most books of arithmetic; and it will appear, that when a population of 4,305,971 increases to 5,696,675 in ten years, the annual ratio of increase will be rather above the decimal .0283, or rather less than the vulgar fraction $\frac{1}{35}$; and, if continued, will occasion a doubling of the population in about 24 years and 10 months.

It will be observed, that the amount allowed for immigration after the proposed correction has been applied, is 165,418 in the ten years, or above 16,000 a year. This, however, is considerably more than is allowed by any of the American Statistical writers; and is probably beyond the truth. We have already stated our reasons for believing, that 1 in 45 is greater than the true mortality of the United States taken throughout; and if so, the amount to be subtracted for the mortality during the ten years, would be diminished. But this amount would be much more diminished from another cause. The proportion of the births, and consequently of the population under one, two, and three years of age, must be much greater in America than in Sweden; and consequently, after the first three years of the ten had passed, the diminution of the annual mortality would be more considerable. If we had American tables, formed like those of Dr Price for Sweden, we should expect, that, on account of the peculiar structure of the American population, arising from the great excess of births above deaths, it would turn out, that the proportion which a given population, without any fresh accession of births, would lose in ten years, instead of being rather more than $\frac{1}{7}$, would not be more than $\frac{1}{8}$; in which case, the amount of immigration annually would, by Mr Booth's own rule, be only between seven and eight thousand, instead of above sixteen thousand; and the period of doubling would come near to the calculation of Dr Seybert.

It appears, then, that, as far as we can judge of the increase of the population of the United States during the period to which Mr Godwin refers, and the particulars of which are best

known, Mr Malthus's statements, taking the Eastern and Western States together, are most amply justified. But, in reality, the condition of the *Eastern* States does not now apply to Mr Malthus's proposition. His proposition, as we understand it, is this; that if the obvious causes which check marriage, and occasion premature mortality, were removed in such a way as they are actually found to be removed in some countries for short periods, the population would go on increasing at a rate which would double the numbers in less than twenty-five years. But, in the Eastern States, the towns are now large, and some of them so unhealthy as scarcely to keep up their numbers. It is known that they are subject to the yellow fever, which seems to prevail only in towns of some size, and not to extend itself into the country. And further, there is reason to believe, that these portions of the American population are not exempt from those vices which tend to render marriage less frequent, less early, and less fruitful than in the country. The Western States, therefore, alone answer the conditions of Mr Malthus's proposition, and alone furnish a practical illustration of the rate at which population may increase when unchecked. But what is this rate of increase? Mr Booth has kindly furnished us with the means of ascertaining it with little trouble. He has given a table of the population and progress of some of the Western States, separated from the others.* According to this table, the white population of the States of Kentucky, Tenessee, Mississippi, and Indiana, was, in 1800, 281,341; and in 1810 it had increased to 587,026. Proceeding upon the same principle as before in the application of Mr Booth's rule, the amount of immigration will appear to have been 116,665 in the ten years; and, upon calculating the *rate* of increase, it will be found to be such as would double the population in a little more than thirteen years and a half. Mr Malthus has mentioned, on the authority of Dr Styles and Dr Price, fifteen years as the period in which it was supposed that some of the back settlements had doubled; but he lays no stress upon it in his argument; yet in so large a district of America as that included in the table produced by Mr Booth, a still greater rate of increase appears to have taken place, after making a full allowance for immigration.

That the proofs which have been adduced of the very rapid increase of the population of the United States, from procreation only, are of a kind which may safely be relied on, cannot admit of a doubt. In estimating the *progress* of population in any

* P. 280.

country, the first and main object is to ascertain the actual number of the people at different periods. The next is, if there be an increase, to determine what portion of this increase is attributable to immigration, and what portion may be considered as arising from procreation only. If we can ascertain these two points, all other information is quite of a subordinate kind in reference to the main question.

On the first of these points, the different censuses which have been taken in the United States are allowed to be quite satisfactory. Their general accuracy has not been attempted to be impeached even by Mr Godwin.

With regard to the second point, all the accounts agree, that the influence of immigration upon the population of the United States, particularly in the intervals of the two censuses of 1790 and 1810, has been quite inconsiderable. On this subject we would refer to Dr Seybert's chapter on Emigration. * After reviewing what had been stated by other writers, and producing an authentic estimate of the number of passengers, *citizens* as well as aliens, who arrived at the different ports of the United States in the extraordinary year 1817, which amounted to 22,240, he calculates, that no more than 6000 could have arrived annually from 1790 to 1810; and, allowing for their increase at the very high rate of 5 per cent., he concludes by stating, that the duplication of the free inhabitants, independently of immigration, would require only $\frac{4}{5}$ of a year more than when the immigrants were added. When to these accounts of the writers on the United States, we add the useful rule laid down by Mr Booth, and apply it correctly according to the analogy of the tables of mortality in other countries, there is little reason to fear any essential error; and we may safely assert, that the information which we possess on these two points is not only much more important with a view to the main question, but much more to be depended upon than any we are likely to obtain on the ulterior and more difficult question of the proportion of births to marriages.

On this latter point, indeed, there is nothing which can be called evidence. No public documents which we have seen or heard of, give the marriages of the United States; and private estimates are generally so confined, that no safe inferences can be drawn from them. Mr Barton, whose authority on this particular point Mr Godwin is so eager to adopt, † expressly says, that his estimate was formed from a single village; and the few accounts which Mr Godwin says he procured himself, are from

* Statistical Annals, p. 28. † P. 421.

towns which form no rule for the general population. To these very insufficient estimates, we may fairly oppose the authority of Mr Bristed, who says, that, in the United States, the marriages average six births, of which four are reared. * Allowing these opposing statements to neutralize each other, if we add, that Dr Seybert, who has collected with care all the public documents relating to the population of the United States, is quite silent with regard to the marriages, it may safely be concluded, that, as yet, we have no information on the subject which can in the slightest degree be depended upon. We cannot, therefore, be warranted in stating, even as a conjecture, that the proportion of births to marriages in the United States is nearly the same as in Europe. Still less are we entitled to bring forward such a statement, with a view to invalidate other information of which there is good evidence.

But, independently of the proportion of births and marriages deduced from Mr Barton's account, though seemingly against his own belief, all the other appearances and proportions in the structure of the American population, most strongly imply a very rapid increase from procreation. Dr Price has shown, that, in towns or districts recruited constantly by grown persons, the numbers in the higher ages of life exceed the usual proportion to the numbers in the lower. Consequently, if the increase of the American population were chiefly occasioned by immigration, we should find the proportion of persons above forty-five unusually large; instead of which, every American census shows it to be unusually small.

Mr Booth observes, that in an *indigenous* society there are nearly a fourth of its members above forty-five years of age, † while, in none of the United States, is the number of persons above forty-five more than from 16 to 17 per cent. of the population; and in some of the newly settled districts, they do not exceed 7 or 8. Now, we apprehend, that a large proportion of persons above the age of forty-five has no more necessary connexion with an *indigenous* than it has with a *vertigenous* society. If an indigenous population be nearly stationary, the proportion of one-fourth for the numbers above the age of forty-five, will probably be near the truth; and this we believe to be not an unfrequent proportion in the States of Europe. But if an indigenous population be increasing rapidly, it must of necessity have a much smaller part of the population in the advanced stages of life; and this is the case with the United States. The table of

* Resources of the United States, p. 453.

† Page 278.

a fifteen years colony which Mr Booth has taken the trouble to calculate, *, is not in the slightest degree applicable. It is true, that if you suppose emigrant breeders coming into a country in large bodies at the age of twenty or twenty-five, and then make a single enumeration of the population before the end of fifteen years, and consequently before any of these breeders have reached the age of forty-five, you will find a small proportion of the people in the more advanced stages of life. But has this case any relation to the whole of the United States, where the emigrations, to whatever amount they arise, have been going on for above 150 years? We conceive that it is hardly possible to state a proposition which carries truth more clearly in the face of it, than to say, that if a country increases for a considerable time principally by a yearly supply of grown persons, it will contain a much larger proportion of the population *above* forty-five, than if it increase at the same rate from procreation. Mr Booth, in his remarks on this subject, shows so extraordinary a want of general information, that none but his friend can be his parallel. But, to be sure, his friend Mr Godwin more than equals him.

Dr Price, after having stated that the number of persons in New Jersey had been taken, by order of the Government, in 1738, and in the next seven years had been found to increase, by procreation only, at a rate which would double the population in twenty-two years, † remarks, as a peculiarity confirming the fact, that the number under sixteen years of age was nearly the half of the population, while in Dr Halley's table it amounted to little more than one-third. Dr Price, though he did not carry forward his views to all the important consequences of the laws of population, was thoroughly conversant with the scientific part of the question; and, possessing this kind of knowledge in an eminent degree, he mentions this proportion of the population under sixteen as a natural consequence, and additional proof of a very rapid increase by procreation. Yet Mr Godwin produces this very fact as a proof of a result exactly the reverse! From this fact he says 'it inevitably follows, that, throughout the Union, the population, as far as depends on procreation, is at a stand.' ‡ This *sage* conclusion would make it appear, that the population of all the States in Europe is diminishing most rapidly, and that Sweden, which Mr Godwin himself asserts is increasing, must soon be a desert.

Upon the inspection of the American census it appears, that

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* Page 276.

† Observations on Reversionary Payments, Vol. I. p. 283.

‡ Page 441.

about one half of the population is under sixteen years of age, and one-eighth above forty-five; while, in many of the States of Europe, the proportion of the population under sixteen is about one-third, and above forty-five about one-fourth. These different proportions in the American tables, compared with those of Europe, supposing the expectation of life to be in any degree alike, must, to every person conversant with the subject, afford the clearest and most intelligible proofs of a very rapid increase of population in the United States from procreation. What, then, must we think of the knowledge of Mr Godwin and Mr Booth, who have chosen these proportions to prove, that almost the whole of the American increase arises from emigration? We did not think that such an instance of false reasoning could have occurred in the nineteenth century.

Nor does Mr Godwin's knowledge appear to greater advantage when he talks about the proportion of births to marriages, which he thinks necessary to occasion a doubling of the population in twenty-five years. He insists upon it, over and over again, that for this purpose there must be eight births to a marriage. On this subject we would recommend him to read, with more attention than he appears yet to have done, Mr Malthus's chapter on the Fruitfulness of Marriages. He will there see, that the rate of the increase of population is powerfully affected by two other causes besides the fruitfulness of marriages, namely, the proportion of the born which lives to marry, and the interval between the average age of marriage and the average age of death; and that, taking these circumstances into consideration, and the effects produced on registers by second and third marriages, the population in the United States might double itself by procreation only every twenty-five years, with a proportion in the registers of only *five* births to a marriage. But on all these matters Mr Godwin seems to be as profoundly in the dark as if he had never opened a book on the subject, or heard of a parish register. If he is determined to receive no information from Mr Malthus, we recommend him to study diligently Dr Price's two volumes on Reversionary Payments, before he ventures again to discuss the principles of population.

Among the many instances of Mr Godwin's curious mode of illustrating his subject, it is difficult not to notice the strange absurdity of choosing Sweden as a specimen of the natural increase of population.* Mr Malthus had stated, that when the labouring classes of society are amply supplied with necessaries, the increase of population is always very rapid. To show that

* Page 352.

this cannot be true, Mr Godwin instances the case of Sweden, where it is well known that the labouring classes are very scantily, instead of very amply supplied. He asks, Why the United States double their numbers in twenty-five years, while the increase of Sweden is so inconsiderable?† We answer, that the American labourer is able, with ease, to support a family of ten or twelve children, while the Swedish labourer can with difficulty support three or four. Surely this is a broad, glaring, and sufficient reason for the difference in the rates of increase, without entering into further particulars. But if we want some of these particulars, it is obvious that, when the wages of labour can only support tolerably well a small family, some will be entirely deterred from marrying, and others will marry later than they otherwise would do; while those who marry early in spite of all difficulties, if they happen to have large families, will not be able to support them in such a way as to prevent the diseases and premature mortality arising from poverty and bad nourishment. On the other hand, when the labouring classes, as in America, never find the least difficulty in the support of the largest families, they will not only be tempted to marry early, by which means each generation, by marriage and birth, will be shortened, but they will be able to maintain the largest families in such a way as not to be subject to any of the diseases arising from insufficient nourishment. In the one case, both the preventive and positive checks to population will be actively in operation: in the other they will, comparatively, have no influence. The measure of the encouragement to population is the facility of supporting a family, determined by the actual earnings of the labourer, combined with those of his wife and children, throughout the year. These earnings will be regulated, according to Adam Smith, by the rapidity with which the funds for the maintenance of labour continue to increase; and it is a physical impossibility that these funds should continue to increase as fast in Sweden or in Switzerland, the countries to which Mr Godwin refers, as in the United States. Consequently in such countries, though we may not know precisely *all* the modes in which the checks to population operate, we may be quite certain of their existence, and that to a considerable extent.

Hitherto we have been inclined to consider the gross mistakes which Mr Godwin has made, as arising chiefly from a total want of knowledge of his subject. There are many, however, which do not admit of so favourable an interpretation, and seem as if

† Page 357.

they could only have arisen from wilful misrepresentation. Mr Malthus has limited his term, *moral* restraint, to a temporary or final abstinence from marriage on prudential considerations, with strict chastity during the single state. Taken exclusively in this sense, and in reference to one half of society, he is not perhaps wrong in supposing, that its operation has not hitherto been very powerful. But whether right or wrong in this observation, it is quite certain that, throughout the whole of his work, he lays the greatest stress upon the preventive checks generally; and there is scarcely a country which he has examined, particularly in Europe, where he does not consider the checks of this kind as having had a very great effect in diminishing the number of births. It is inconceivable, therefore, that any degree of innocent misconception should have suggested the following passage. 'It is clearly Mr Malthus's doctrine, that population is kept down in the old world, not by a smaller number of children being born among us, but by the excessive number of children which perish in their nonage, through the instrumentality of vice and misery.' * This could only be said with a view to the prejudice which might be excited against Mr Malthus's doctrines, by representing the excessive mortality, or 'universe of death,' which, Mr Godwin observes, would thus be occasioned for the benefit of the geometrical ratio.

Another still more glaring misrepresentation, which cannot be otherwise than wilful, is contained in the following passage. 'Upon the principles here explained, and with the most perfect consistency, Mr Malthus is, upon all occasions, an advocate for low wages.' † Now, if there be one point more than another which Mr Malthus has laboured in all his works, even to tiresome repetition, it is to show the labouring classes how they may raise their wages effectively and permanently, and become more independent of the rich. On this subject, the tendency of his principles, and the tenor of his language, cannot be mistaken by the meanest capacity. When Mr Godwin, therefore, asserts, that Mr Malthus is on all occasions an advocate for low wages, it is quite impossible that he can believe what he says; but he chooses to say it, for the chance of its making an impression upon those who, from indolence, ignorance, or prejudice, are disposed to take bold assertions for proofs.

But it would be endless to follow Mr Godwin through his numerous misrepresentations; particularly as it may be fairly said that his whole work is founded on the grand misrepresentation of asserting, that the misery and vice which Mr Malthus

* Page 32. † Page 598.

has stated to be the *consequences* of an excessive population, have been proposed by him as its *remedies*, and of representing him, consequently, as a friend to misery and vice; * while the letter and spirit of his work clearly show that he is their greatest enemy, and that his whole aim and object is to diminish their amount. Mr Godwin has followed Mr Graham and others, in accusing Mr Malthus of the ingenious expedient of proposing misery as a remedy for want.

On the whole, we cannot but think that this performance of Mr Godwin is extremely discreditable to him, both as to matter and manner. It contains more nonsense, and more abuse, than any other answer to Mr Malthus which we have met with; and, whatever impression it may chance to make, for a short time, from the virulence of its language and the boldness of its assertions, the only permanent effect of it will be, to establish more firmly the doctrines of the Essay on Population.

As a strong presumption of this, we will notice one more passage in Mr Godwin's work, in which, with great rashness, he reduces the question to a very narrow compass; and makes an avowal which leaves him quite without excuse for the language he has used. In page 402, he distinctly acknowledges that there is great difficulty in accounting for the rapid increase of population which appears in the American censuses; and then goes on to say—'We have no choice in the solution of this difficulty, but either to refer it to an inherent, rapid, and incessant power in the human species to multiply its numbers, or to emigration.' Now we think we have clearly shown, that it is not owing to emigration. † Consequently it follows, from Mr Godwin's own statement, that there is *an inherent, rapid, and incessant power in the human species to multiply its numbers.* 'And that there is, all nature cries aloud.' The United States of America afford a specimen of the most rapid increase with which we are acquainted; only because, from peculiar circumstances, the demand for labour, and the real reward of labour, have been there the greatest. But there is hardly a country in

* This is Mr Godwin's constant language; and he sums up by saying, 'He who has written three volumes, expressly to point out the advantages we obtain from the presence of vice and misery,' &c. &c.!!! The extreme absurdity of such accusations must of course blunt the effects of their malice. p. 524.

† Mr Godwin himself speaks of the passage over of 165,000, or even 90,000 persons yearly, to America, as an *astounding conception*, (p. 403). It is indeed so astounding as to be utterly incredible; and from 1800 to 1810, when scarcely a rumour of emigration was heard, morally impossible.

Europe where, under similar circumstances, the increase of population would not have been as rapid: And if America had never been known, we should not have wanted ample testimonies to the truth of that great law by which the progress of population is regulated. Russia, Ireland, and some of the parts of Germany referred to by Lusmilet, with the wages of labour much inferior to those of America, have increased with a rapidity quite sufficient to establish the principle, if not the exact rate. Ample proofs of the principle are indeed at our very doors. In many of the country parishes of England, the number of births is nearly double the number of deaths. And throughout the whole country, in the interval between the first and second enumerations in 1800 and 1810, the rate of increase was such as would double the population in 56 years, notwithstanding the number of persons in England who do not marry, the number who delay marriage till late, and the mortality occasioned by our large towns and manufactories. There cannot, then, be the slightest doubt that, if nearly all our population lived in the country, and the labouring classes could have as great a command of necessaries and conveniences as they have had in the United States, the population of England would double, from procreation only, in considerably less than twenty-five years.

But, supposing this to be true (and in reality there can be no reasonable question of its truth), it becomes those who are continually declaiming against the doctrines of Mr Malthus to consider, that their declamations must all tend, as far as they go, to lower the wages of labour, and depress the condition of the poor. If the tendency to increase be such as has been stated, it is not only an act of folly, but an act of injustice and cruelty to the labouring classes, publicly to deny it. And those who, in the House of Commons, hold a language calculated to make the poor believe that there is no kind of reason for any prudential restraint on marriage, because all that are born have a mortgage upon the land, and a claim of right to be furnished with work and subsistence, certainly take upon themselves a most perilous responsibility. They are not only doing all they can to make the Poor-rates absorb the whole rental of the kingdom; but, what is of infinitely more consequence, they are contributing, by all the means in their power, to plunge the labouring classes into irretrievable poverty, dependence, and distress. What cannot be done, will not be done. We may *promise* to maintain the poor adequately; but we shall deceive them, and shall not do it; and the main consequence of our inconsiderate promises will be, to enlarge the circle of misery, and to force many into it, who, if they had not been deprived of the proper

motives to exertion, by being led into an error, would have avoided it. If the law of population be such as has been stated, it is a truth which it particularly concerns the poor to know: And, in fact, the general circulation of this truth must be the foundation of all essential improvement in their condition. We quite agree with Mr Malthus in reprobating any positive laws against early marriages: But without any such laws, we think that something very important would be done, if the poor were fully convinced that population has a powerful tendency to increase; that the main cause of low wages is the abundance of hands, compared with the work to be done; and that the only mode of raising them effectively and permanently, is to proportion more nearly the supply of labour to the demand for it.

With regard to the general question of the Poor Laws, we have obviously left ourselves no room to enter upon it. We will only therefore add, that, even should the Legislature determine, under all circumstances, to make no very essential alteration in them; yet if, instead of asserting that the poor have a mortgage to an indefinite extent on the land, and a full claim of right to support, the Poor-rates were called a compulsory charity, limited by the necessity of the case, and the discretion and resources of the society; and if they were administered under the constant conviction of the great truth above referred to, we cannot but think that the present evils arising from them might not only be prevented from increasing, but might be gradually diminished; and that, after the present season of difficulty was over, we might look forward, with some hope, to a positive improvement in the condition of the labouring classes —to higher wages and greater independence.

ART. VII. *Traité des Grandes Opérations Militaires, contenant l'Histoire critique des Campagnes de Frédéric II., comparées à celles l'Empereur Napoleon; avec un Recueil des Principes généraux de l'Art de la Guerre.* Par le Général BARON DE JOMINI. 8 vols. 8vo. A Paris, 1811 & 1816.

THE present work is unquestionably one of the most profound, original, and interesting, that has appeared in our day; and, were we to be strictly dealt with, we know not how we could excuse ourselves in not having introduced it sooner to the knowledge of our countrymen. Works on Military Science afford, in general, a mortifying contrast to the achievements in war which fill the annals of the world. With the exception of some ingenious, and, it may be, very useful discussions, as to

the comparative advantages of the different arms, and different organization of corps, which in different ages and nations have been successively adopted, military works present little but fatiguing memoirs, and embarrassing and unprofitable details, from which it is extremely difficult, if not impossible, to extract the principles that guided the Generals whose campaigns are recorded. Much of this deficiency is, no doubt, to be accounted for by the state of the art itself. Till the middle of the last century, the greatest and most distinguished leaders had seldom been able to free themselves from the shackles of the wretched system of warfare which they found established. Conceiving themselves to be absolutely dependent on their magazines, and covering their frontiers, by disseminating their forces over an extensive line, instead of bearing in one concentrated mass against some vital part of the enemy's dominions, their genius appears to have been cramped by a series of maxims, resting, as events afterwards showed, upon no reasonable grounds, but which, by a strange acquiescence, were reputed inviolable. Some brilliant exceptions there certainly were, such as Marlborough's celebrated march before the battle of Blenheim; but those who have most studied the military history of Europe, however highly they may venerate the great names which illustrate its pages, will be the readiest to confess the truth of what we have just remarked.

It was reserved for Frederic to begin, and for the mighty and creative genius of Napoleon to complete, the overthrow of that languid and ineffectual system, and to unfold, and, by unexampled exploits, to avouch the true principles of this destructive science. The advancement of the art had a visible and immediate effect upon the treatises devoted to it. The King of Prussia's books abound with observations which, in justness and depth, do honour even to that great man. General Lloyd has not only treated this subject as a philosopher, but was the first, perhaps, to show that war, however uncertain in its issues, had principles without which no great success could be achieved. Templehof followed very much in the same track; and the writings of Guibert, which Buonaparte is said to have carried with him to the field, and to have characterized as *propres à former des grands hommes*, contain many enlightened views, which, though they reach not the power of the art, are free at least from the prejudices of the last age. Jomini, however, has been the first to give a complete exposition of the principles of war. His powerful and original mind enabled him far to outstrip the authors who had preceded him; and, amidst the tumult of the camp and the din of arms, to ascertain by the

finest discernment, and to develope with the most forcible eloquence, the principles that directed the stupendous career of the Master whom he first served.

From these remarks, as well as from the title of his book, it must be evident that our author has dedicated these volumes to the higher and sublimer branches of his art—those which do not depend upon the particular institutions of any country or age, but which, in great part, are applicable in all times and places. The manner in which he has treated his subject appears to us the most amusing and instructive that could well have been adopted. He does not set out with a meagre statement of maxims and principles, to which he requires assent from the abstract evidence of their truth; but he takes generally the campaigns of the last seventy years; and elicits, by a sort of induction, the true causes of their failure and success,—availing himself, in the investigation, of the knowledge acquired by personal observation of all the great commanders for the last twenty-five years, most of whom he has either served under or been opposed to, and appealing, where occasion required, and with the happiest effect, to the experience and practice of remoter periods, and even of antiquity. This gradual development of his subject strongly excites the interest of his reader, whose attention is never made to flag by wearisome and unprofitable details; and while, in the progress of his work, he adds principle to principle, and unfolds his system in all its points, he produces the fullest and most assured conviction. Looking merely to his general statement of the great maxims of military conduct, a careless reader might think that he had generalized too highly, and had allowed too little for those unforeseen and unavoidable difficulties, which, in all human affairs, and most of all perhaps in war, must disconcert the wisest plans. Nothing, however, could be more unjust than such an opinion; for, while he expounds his system, and developes his principles with the most admirable precision, he is at constant pains to guard against the supposition that these can never be baffled or disturbed by events upon which it is impossible to calculate. We are perfectly aware that, on this account, as well as from the plan of the work itself, it is impossible for us to give an analysis which shall do any thing like justice to the author. In discharging our duty towards him, therefore, we shall attempt little more than to explain the contents of the work,—to lay down his leading and more weighty conclusions,—and to illustrate the manner and importance of their application, by such examples as may occur to us as we proceed.

This work may be considered as consisting of three great parts. The first, in four volumes, contains the Campaigns of the King of Prussia, particularly those of the Seven-years' war, at which time the System of Magazines was in full force. The second part, in two volumes, embraces the war of the French Revolution, from its commencement, by the invasion of the Duke of Brunswick, to the armistice of 1795. During this period, the resources of the enemy's country were in some measure trusted to; but the War of Posts, or that of attacking upon many hundred miles of frontier at the same time, was still the favourite of the day. In the third part, which occupies the two subsequent volumes, are contained the campaigns of the Emperor Napoleon in Italy, from his assuming the chief command until the peace of Campo Formio. This last was the period in which the principles of the military art were brought to all the perfection of which they appear to be capable. Frederic's genius mainly appeared in tactics, or in manœuvring his army within sight of the enemy: But he cannot be considered as having thoroughly understood the planning of a campaign, or those movements which are generally executed out of sight of the enemy, and which are included in the general term of Strategy. Here it was that Napoleon incontestably surpassed all who preceded him, and left nothing in which he could himself be surpassed: For the campaigns of the other revolutionary generals are instructive, chiefly as exhibiting the causes of failure. Jomini occasionally leaves the more immediate subject of his work, and appeals to other times and generals in confirmation of his conclusions. But these three periods form the groundwork on which he builds his system; and embracing, as they do, examples of every thing that is great or weak in military conduct, and comprising the art, so far as he treats of it, in the different stages through which it has reached its present state, they afford ample materials from which to infer and support, by experience, the principles which he has attempted, and we think successfully, to explain.

The whole art of war reposes, according to Jomini, upon one great governing principle. 'Le principe fondamental,' he observes, in the concluding chapter of his work, where he gives a summary of his system—'le principe fondamental, par l'application duquel toutes les combinaisons sont bonnes, et sans lequel elles sont toutes vicieuses, consiste *à opérer avec la plus grande masse de ses forces un effort combiné sur le point décisif.*' Vol. VIII. p. 681. The principle thus stated may appear abundantly simple; and, although its general importance has not been fully allowed or felt till the present age, it is principally in the details of its application that those difficulties oc-

cur which it is the triumph of genius to surmount. Whatever may be the case with military men, it is certainly not at all understood in general society. How often have we not heard the genius of Buonaparte slighted, and his victories talked of as destitute of merit, because, at the point of attack, he was superior in number to his enemies? This very fact, which has been so often converted into a sort of reproach, constitutes his greatest and truest praise. He generally took the field—he did so at least in many of his most glorious campaigns—inferior in total force to his opponents. But he so directed his attack, as at once to divide his enemy, and to fall with the mass of his own forces upon a point where their division, or the distribution of their army, left them unable to resist him. It is not in man to defeat armies by the breath of his mouth; nor was Buonaparte commissioned, like Gideon, to confound and destroy a host with three hundred men. He knew that every thing depended ultimately upon physical superiority; and his genius was shown in this, that, though outnumbered on the whole, he was always superior to his enemies at the decisive point, which it was the object of his movements and of his battles to secure.

The merit of Jomini's work, then, consists mainly in examining the detailed application of this great principle, and in showing how it has influenced, and always must influence, the fate of wars. He considers his subject as dividing into three great branches.

'On voit,' he says, in another part of the same chapter, 'par cet exposé rapide, que la science de la guerre se composé de trois combinaisons générales, dont chacune n'offre qu'un petit nombre de subdivisions ou de chances d'exécution. Les opérations qui seraient parfaites sont celles, qui présenteraient l'application de ces trois combinaisons, parceque ce serait l'application permanente du principe général indiqué plus haut.'

'La première de ces combinaisons est l'art *d'embrasser les lignes d'opérations de la manière la plus avantageuse.*'—'C'est ce qu'on nomme communément et improprement *un plan de campagne.*'—'La deuxième branche est *l'art de porter ses masses le plus rapidement possible sur le point décisif de la ligne d'opérations primitive, ou de la ligne accidentelle.* C'est ce qu'on entend ordinairement par stratégie.'—'La troisième branche est *l'art de combiner l'emploi simultanée de sa plus grande masse sur le point le plus important d'un champ de bataille;* c'est proprement l'art des combats, que plusieurs auteurs ont appelé ordre de bataille, et que d'autres ont présenté *sous le nom de tactique.*'

The first of these branches resolves itself almost entirely into the choice of what Jomini terms the territorial line of operations. And here it may be proper to mention, in order to avoid any danger of being misunderstood, that by a base of

operations, is meant a line formed by a river, a chain of mountains or of fortresses, or a frontier, from which an army takes its departure to advance against an enemy, from which it draws its supplies, and upon which, in case of disaster, it intends to retire. A line of operations again, is a line parting from a base of operations, by which an army acts against its enemy; and a line of communication, is the line by which an army receives its supplies, and communicates with its base. The territorial line of operation—upon which the first branch of our subject hinges, because the future movements of the army must be in a great measure subordinate to it—is the country through which it will be most advantageous for an army to move, in order to attack the dominions of an adversary. Thus, France might invade Austria through Italy, or through Switzerland, or through Germany, by crossing the Rhine; and, whichever line was chosen for invasion, would be termed the territorial line of operations. The King of Prussia also had three territorial lines against Austria; Moravia on the left, Bohemia in the centre, and Saxony on the right.

This branch of the art does not present a very great variety of combinations; although the problem of selection may be rendered sufficiently embarrassing by many circumstances, some of which are not purely military. The choice would be influenced by the political situation of the belligerents, and their relative resources,—as well as by the distance of the point, such as the enemy's capital, against which the decisive effort is to be made,—the accidental distribution of forces upon both sides,—or the natural lines of operations, a river for instance, which may facilitate the advance or retreat. As a general observation, however, and as a specimen of the manner in which the great leading principle of acting *en masse* applies to this branch, it may be observed, that, wherever the belligerents are neighbours, the most advantageous line to select, unless under very peculiar circumstances, will be any country which, from its central and projecting position, such as Bohemia towards Russia, or Switzerland towards Austria, affords a facility of operating with a large mass upon a decisive point; because it enables a general to penetrate, without much difficulty, far into his opponent's dominions, dividing the forces that may be placed upon either flank of the country through which he moves, and giving an opportunity to place himself between them and their capital, which, in general, is the decisive point. By the skilful choice of a territorial line, a general might fight his first battle under the walls of his enemy's capital, which would be his prize if victorious; and, if defeated, he would not be worse off than if he

had lost the action close to his own frontiers; while the consequences to his country would be trifling, when compared to the advantages of success. He might also retreat without difficulty, as the communications of his enemy would have been seized by his advance in the first instance, and, of course, the obstacles to a vigorous pursuit would be very great. Nay, the attempt might be renewed, and the relative value of victory be always in favour of the invader. The knowledge which, in this branch, must guide the application of the great principle, is required equally in the Statesman and the Soldier; because the plan of a campaign is unfortunately oftener arranged in the cabinet than in the tent, and one of the most important parts of a general's business (as we have had melancholy experience in our own time) directed by men ignorant of the elements of military affairs.

Frederic the Great, able and sagacious as he was, knew little, comparatively speaking, of this branch of war. There are numerous and convincing proofs, in the course of this work, that he was unable entirely to shake off the vicious and timid system of the day, which did not permit a general to imagine that he could move ten days march from his magazines, without the danger of starving—made him see a desert in the most fertile countries, and dread famine in the midst of abundance. His first campaign, in particular, proved his deficiency in this branch, if one may so speak of this great man. It seems undeniable, for example, that, both in 1756 and 1757, Moravia was the territorial line which the King of Prussia ought to have adopted. Its choice, as Jomini observes, after an unanswerable discussion, was recommended,—' *1mo*, Par la situation politique des deux parties, et plus fortement encore par leur situation du moment, puisqu'au lieu de cinq ennemis il n'y en avait qu'un en action; *2do*, Par la force relative des moyens de guerre, puisqu'au lieu de quatre armées on n'en avait qu'une à combattre; *3tio*, Par la répartition et le placement des forces ennemies, puisqu'elles étaient disséminées, et ne couvraient pas cette province; *4to*, Par la ligne d'operations naturelle; *5to*, Parce qu'elle offrait, dans les circonstances les chances les plus avantageuses et les plus brillantes.' Vol. ii. p. 282.

But although the line of Moravia, in both those years, presented the only opportunity of striking a very great and decisive blow,—of breaking the coalition which had been formed against him, and making his most formidable rival tremble even in her capital,—he overlooked it entirely, and allowed himself to be diverted the first year by the occupation of Saxony, and wasted the second year in the still more unaccountable invasion of Bohemia.

At the beginning of the French Revolutionary war, the French generals, very much no doubt from necessity, got over the difficulty of magazines; but neither Pichegru, Moreau, Jourdan, or any other among them, with the exception of Hoche, showed a sufficient knowledge of principles to enable them to profit from this discovery—that it was possible to live upon the resources of a fertile country. Their successes were owing, partly to their courage and activity, and partly to the ignorance and dilatory proceedings of their adversaries.

At last Napoleon assumed the command; and, under his guidance, the character of war was changed. He swept over Europe like a storm; and nations stood aghast and stupified at the vastness of his exploits, and the inefficacy of their means of defence. We have not space to enter upon his earlier campaigns, which, besides, have a less immediate connexion with this part of the subject; but it is thus that Jomini speaks of the campaign of 1800.

'En 1800, tout change de face, Napoléon est revenu d'Egypte; l'immortelle campagne de 1800 présente les chefs-d'œuvre des lignes d'opérations; le héros présedait à leur établissement.* Le plan de campagne du Rhin, dont l'exécution fit honneur à Moreau, est certainement sorti de la même tête qui combina le passage des Alpes. On y reconnait la même trempe, les mêmes principes si différens de tout ce qui l'avait précédé; 150,000 hommes filent sur les deux flancs de la Swisse, débouchent sur le Danube d'un côté, et sur le Pô d'un autre; des contrées immenses sont conquises par cette marche savante, dirigée sur les revers des armées ennemies. L'art est poussé, dans cette combinaison, jusqu'au degré de perfection le plus éminent. Les deux armées françaises forment deux lignes intérieures qui peuvent se communiquer, et qui, en effet, se soutinrent réciproquement; les armées autrichiennes sont forcées, au contraire, à prendre une direction exterieure, qui les met hors d'état de communiquer et de se soutenir. Enfin, par une combinaison dont on chercherait vainement un exemple dans les annales militaires, l'armée de reserve coupe une armée ennemi de sa ligne d'operations; et loin de risquer d'être coupée elle-même elle conserve toutes ses communications avec ses frontières, et avec armée du Rhin, qui formait sa ligne secondaire.' Tom. II. Chap. xiv. p. 311.

We cannot leave this part of the subject without observing, that many generals of antiquity have proved their profound sagacity in selecting their territorial line of operations.

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* 'Ce chapitre a été écrit en 1803: depuis nous avons été témoins d'événemens aussi brillans, mais que ne furent pas plus savamment combinés. Les manœuvres d'Ulm, de Jena, sont basées sur les mêmes principes que celles du Saint Bernard et de Marengo.

which has ensured to their enterprises astonishing success. Hannibal's march over the Alps forcibly suggests itself. That extraordinary man at once perceived the errors which the Carthaginians committed in the first Punic war, by confining their efforts to naval engagements, and to battles which had only the conquest of Sicily and Sardinia for their object. Judging rightly that Rome or Carthage should have been the prize of such prodigious exertions as had been made on both sides, he determined to carry the war into Italy. An ordinary general, in the same circumstances, would have adopted the obvious mode for a naval power of transporting his army by sea to the south of the Roman State, and maintaining a direct communication with Carthage. But Hannibal foresaw the uncertainty of that communication. He had reason, too, to dread that he would be harassed, as modern generals have been, by those who, in his absence, assumed the government of his country; and, above all, he saw that he must force his way, by a multitude of battles, through the allies of the Romans; and, if successful, would at last arrive, weakened by such repeated efforts, under the walls of Rome, filled with a population at once brave and habituated to arms. He saw that the north of Italy presented a far better line of operations; and, to accomplish it, he undertook an enterprise which has been the admiration of all succeeding ages. He crossed the Pyrenees, traversed the whole of France, cleared the summit of the Alps, and fell like an avalanche upon the Romans, threatening their destruction where they thought themselves most secure. The infinite resources of Hannibal's mind may perhaps be most conspicuous, in the manner in which he encountered and surmounted the obstacles which the seasons, the country, and its population, presented. But his wisdom as a general was manifested in the point which he gained by that march. It enabled him to form an alliance with the Cisalpine Gauls, the ancient and inveterate enemies of Rome, and to establish among them a new base of operations, whence he might have advanced to the walls of the Imperial city, unopposed by any thing that could resist or impede his progress. His success in all probability would have been complete, but for the energy of one of that family, which was fated to intercept and roll back upon Carthage the ruin vowed against Rome. Publius Scipio, the moment he understood that Hannibal had quitted his camp upon the Rhone, and moved towards the mountains, returned instantly to the north of Italy, threw his army between the city and the Carthaginian general, and, by that bold and skilful march, saved the capital and his

country. Scipio Africanus, the son of this Publius, in urging the Senate against the remonstrance of Fabius to carry the war into the enemy's dominions by an invasion of Africa, discovered the same enlarged views, which were equally justified by the result. Five such battles as that of Zama, won against Hannibal in Italy, would not have forced the Carthaginians to accept of an ignominious peace; but, beaten in Africa, the seat of their empire was besieged, and submission alone delayed their ruin.

Julius Cæsar, too, possessing far fewer resources in men and money than Pompey, owed his success mainly to the direction which he gave to his first efforts against his rival. Italy was the decisive point. It was, besides, a strong central position, dividing the countries in which Pompey's principal resources were situated. Yet the latter seems to have felt neither its military nor political value, and quitted it with hardly a struggle. Cæsar, on the contrary, was so impressed with its importance, that he rested not night or day till he made himself master of it; and having then the option of following his rival into Greece, or of attacking Afranius and Petreius in Spain, who commanded the only veteran army attached to his enemy, he chose the latter, thus proving that it was what Jomini would term the Territorial Line, and not the presence of Pompey, which had urged him to pour with such impetuosity into Italy.

We have dwelt too long, perhaps, upon the consideration of this part of the subject, important as it is, and indispensable in all great achievements. The second branch, or what is commonly called Strategy, and depends on the manœuvring line of operations, now claims our attention. This is by far the most important and difficult part of a general's duty. Here it is that the great qualities with which he may be endowed will have ample room to display themselves; fine perception, unerring judgment, rapid decision, and unwearied activity both of body and mind, are here all requisite,—and success will be in exact proportion to the exertion of these and the other qualities indispensable in the character of a great captain. Monsieur Jomini's views upon this branch are perhaps the most profound part of his work, and infinitely interesting, as they enable the reader to appreciate exactly the genuine value of the numerous pretenders to the fame of a great general, who spring forth in every age and every country, and whose claims are so generally admitted upon the strength of their own protestations, because national vanity is flattered by the acknowledgment. It is not our intention to follow our author in the ungracious though instructive task, of exposing the pretensions of many who have thought

themselves secure of fame. It is easier and more agreeable, after some short explanation of the principles which this second branch of the subject embraces,—to prove their truth, and show the manner of their application, by examples which leave no room for censure. We shall be happy, too, to find illustrations in the campaigns of our own countrymen.

The manœuvring lines, on the selection of which Strategy depends, are divided by Jomini into ten heads. We shall give his own words.

'Nous appellerons *lignes d'opérations simples*, celles d'une armée agissant sur une seule ligne et sur la même frontière sans se diviser, c'est à dire sans former deux grands corps d'armées séparés.—*Les lignes doubles et multiplées* désignent une armée qui opère sur la même frontière, en formant deux au trois corps qui agissent isolément vers un seul ou vers plusieurs buts.—*Les lignes d'opérations interieures* sont celles qu'un armée forme pour s'opposer à plusieurs lignes de l'ennemi, et aux-quelles on donnera une direction interieure de manière à les rapprocher et à lier leurs mouvemens, sans que l'ennemi puisse leur opposer une plus grande masse.—*Les lignes exterieures* présentent le résultat opposé; ce sont celles qu'une armée formera en même temps sur les deux extrémités d'une ou de plusieurs lignes ennemies.—J'appellerai *lignes d'operations sur un front étendu*, celles qui seront entreprises sur un grand développement contigu, par des divisions isolées mais appartenant à la même masse et rattachées au même but. On comprendra aussi sous cette dénomination les lignes formées, par deux corps séparés, sur une seule étendue donnée; elles formeront alors lignes doubles sur un grand front.—*Les lignes profondes* sont celles qui partant de leur base, présentent une grande étendue de terrain à parcourir pour arriver à leur but.—*Les lignes d'opérations concentriques*, sont plusieurs lignes ou une seule divisée, qui partent de deux points éloignés, pour arriver sur un même point en avant ou en arrière de leur base.—On entend par *lignes excentriques*, une seule masse qui part d'un même point, et se divise pour se porter sur plusieurs lignes divergentes.—Enfin, les dernières combinaisons que nous présentent les opérations générales des armées sont, *les lignes secondaires* et *les lignes* accidentelles. Les premières servent à désigner les rapports de deux armées entre elles, lorsqu'elles agissent sur un même développement de frontières; ainsi l'armée de Sambre-et-Meuse était en 1796, *ligne secondaire* de l'armée du Rhin.—Les *lignes accidentelles* désignent les changemens que les événemens peuvent produire dans le choix primitif du plan de campagne, lorsque ces changemens sont de nature à donner une nouvelle direction aux opérations: ces dernières sont rares et de la plus haute importance; elles sont ordinairement le résultat d'un génie vaste et actif.' Vol. II. p. 272.

Among all these lines, the simple and interior are the best,

particularly when combined, as being most congenial to the great principle of carrying a mass of troops upon the decisive point. A few remarks will make the truth of this apparent.

If an army advances from its base of operations upon one line, it is clear that the general commanding will have but two important dangers to provide against: *First*, that of his troops being attacked unawares; and, *secondly*, that of being turned and cut off from his communications with his base. The most effectual way of guarding against either, is to attack the opposing army first, or, as our author calls it, 'prendre l'initiative;' and if, in so doing, the assailants can place themselves in such a position that a victory will give them the means of utterly destroying their adversaries, while a defeat will not be of very material detriment to themselves, the manœuvre must be considered as a perfect one. Now a simple and interior line has a manifest advantage over every other, in aiding such an operation. An army which moves upon double, exterior, or multiplied lines, must be weakened, in proportion to the number of its divisions. The general has many combinations to attend to, and many dangers to guard against; his columns being on many roads, and unconnected, must also be dependent upon many persons and many orders. Obstacles will be multiplied at every step; and errors cannot be known or corrected without much loss of time. The success of his plan must depend upon the exactness of concert between the different divisions; a misfortune attending any one of them vitiates or destroys the whole project; and yet each column, separately, will be too weak to strike an important blow, if a favourable opportunity should occur. They will suffer severely from mishaps; and they cannot well take advantage of good fortune. An army that manœuvres upon a simple and interior line, gets rid of all these difficulties and incumbrances; the troops will be together and well in hand, with the general upon the spot, ready to rectify any errors, and to superintend every movement; and, upon whichever road he marches against an enemy acting upon double or multiplied lines, his combinations will be more simple, and his numbers must be superior; he will have the power of overwhelming whatever division of his adversary he may meet with; and, by thus disorganizing his opponent's plan of campaign, enable himself to cut off their communications, or to attack their columns in detail. We will suppose, however, that, finding their line penetrated, they might, by great exertions, unite the remainder of their scattered corps by a retrograde movement; but they will hardly be able to co-

ver their communications, which must be nearly as numerous as their divisions; and the attacking army will give battle in the execution of a preconcerted plan, while they will be in the confusion of a baffled one. If the great principle, however, of carrying a mass upon the decisive point has governed the general who advances upon the simple line, he will, by a victory, deprive his foe of retreat, and utterly destroy him; while, if he fail, his communications are still open, and, from want of a plan, the pursuit cannot be very vigorous.

That an army may be easily placed upon the communications of an ignorant opponent, is well illustrated by several diagrams which our author has drawn, and is admirably proved by examples, to which we refer our readers. He supposes every theatre of war to present a square, of which the sides form, as the case may be, the line or lines of defence, or bases of operations, of the contending armies. It is improbable that any should have more than two lines of defence; and if they have, they will be weak. The sea, or some great neutral territory, will then generally form one side of the square. The object of a general should be, to move in such a direction, that while he preserves his communications with his own base, he may cut off his adversaries from theirs; and then, giving battle, drive them upon the side of the square where the obstacle is situated, which secures their destruction.

From what has been said about the danger of disseminating corps, it follows, that to detach small, or even large portions of an army, for the purpose of threatening communications, or of making what are called demonstrations, can seldom answer any good purpose. An army of fifty or a hundred thousand men cannot be placed in jeopardy by the operations of five or ten thousand upon its rear. The general who acts thus, weakens himself in proportion to the number and size of his detachments; and he gives a central position to his adversary, who can either keep him in check with the main body, and send out still more numerous detachments to attack his, or, what is much better, advance briskly and give battle to him while thus weakened; when, if victorious, the separated corps will be too happy to regain their own side without further loss; and, if the attack fails, what has a large army to fear in retiring from a few thousand men? What, in fact, has it to do but to march over them, and balance, by their destruction, the loss sustained in the preceding defeat? Moreover, if a battle does not take place, the detachments are always in danger of being discovered and overwhelmed, without the possibility of resist-

ance; and yet such 'miserabiles accessoires,' as our author emphatically terms them, were the favourite operations of the Austrian and French generals before Napoleon's time; and they have still their admirers, who dignify them with the name of profound Combinations, and who consider the absence of them as a proof of the decline of the art.

Concentric lines, if the points of junction be out of reach of the enemy, are excellent. They accelerate the movements, and give a facility of supplying the troops with provisions; but, in this case, they are a modification of interior and simple lines. When their depth is great, so that they cannot unite without being liable to an attack, they are multiplied and exterior lines, and consequently extremely bad. Lines upon an extended front, or upon a great depth, and double lines, must be classed, in the same manner, with interior and exterior lines, and will be vicious or advantageous as they belong to the one or the other. Accidental lines are, as Monsieur Jomini says, rare, and generally the result of great genius, acting upon the spur of events. It is in the study of the excellent examples left us by great men, such as Frederic, that any knowledge can be obtained upon this head. *They are, however, always to be governed* by the great principle of *acting by masses* upon important points.

The difficulties resulting from lines of operations which extend to a considerable depth, seem to have principally retarded the advancement of this part of the art. So long as it was conceived that an army depended entirely upon its regular magazines, the immense quantity of transport required for the field ovens, and for the conveyance of provisions,—the enormous expense, as well as incumbrance of these and other similar establishments,—the danger of the communication being cut off, and the consequent loss of convoys,—all combined to paralyze the genius of commanders, and to repress any desire they might have had to undertake such enterprises as have latterly amazed the world. Bloody battles, for paltry objects, or rather for none, and campaigns after campaigns, without any decisive results, were the natural consequence of such a confined and miserable system. It is quite true, indeed, that a general, who does not act upon the true principles, cannot advance, with any safety, far from his great magazines. The campaign would be tedious, and the victory indecisive; so that the resources of the country being exhausted, before either the object of the invasion was obtained, or a commanding position for further operations secured, a retreat would be the inevitable consequence; which, from the want of supplies, would be disastrous and difficult.

The necessities of the Republican generals forced them to discover that an army might, for some time, leave its magazines. But, wanting the knowledge of other and more important principles, and incapable of concentrating their forces for a combined and vigorous effort, they carried on a war of detail and of posts; and, though victorious in most of their battles, gained little but honour and hard blows, and generally found themselves, at the end of a campaign, in the position which they had occupied at its commencement. Napoleon saw their failure, and, with the intuition of genius, discerned its cause. Like them, he left his magazines; but, instead of scattering his forces, he collected them into masses,—guarding his frontier, by forcing the enemy to look to his own preservation. His menaces were never vain. He often fought under the walls of his enemies' capital,—isolated their forces, and dispersed or destroyed them by detail, or intercepted their communication with their base, throwing them upon some unsurmountable obstacle, and reducing them to a situation in which they had no hope but in the submission of their government.

Candour must force us to confess, that this wonderful man, whose genius first thoroughly perceived and developed all the principles on which the success of Strategy depends, has himself furnished the most glorious and brilliant examples of an art which he may be said to have created. For the detailed account of his operations, we must refer to Jomini himself; but we cannot avoid quoting the passage in which he recapitulates the result of his earlier Italian campaigns.

'Napoléon, en Italie, commence ses brillantes destinées. Son système est d'isoler les operations des armées piémontaises et autrichiennes; il reussit, par la bataille de Millésimo, à leur faire prendre deux lignes exterieures, qu'il bat ensuite successivement à Mondovi et à Lodi. Une armée formidable se rassemble dans le Tirol, pour sauver Mantoue; elle commet l'imprudence d'y marcher sur deux lignes *séparées par un lac.* L'éclair est moins prompt que l'Empereur des Français; il lève le siege, en abandonnant tout; se porte, avec toutes ses forces, sur la première colonne, qui debouche par Brescia, la bat et la rejète dans les montagnes. La seconde colonne arrive sur le même terrain, y est battue à san tour, et forcée de se retirer dans le Tirol pour communiquer avec sa droite. Wurmser commet ensuite la nouvelle faute de vouloir couvrir les deux lignes de Rovérédo et de Vicence; Napoléon accable la première et la repousse sur le Lawis; il change alors de direction à droite, débouche par les gorges de la Brenta, sur la ligne de gauche, et force les débris de cette belle armée à se sauver dans Mantoue où ils finissent par capituler.' Vol. ii. p. 310.

In the choice of the lines of operations made by the Duke of Wellington for the defence of Portugal, the hand of a great master is apparent; and the execution may be ranked with the best specimens of the Art of War. Two French armies were posted, the one upon the northern, the other upon the southern frontiers, and they had succeeded in obtaining possession of the important fortresses of Badajos and Ciuidad-Rodrigo, well calculated, from their situation, to serve as places of arms, whence either army might advance upon Lisbon, the decisive point; but the Tagus flowed between them, and the communication was rather long and difficult. Lord Wellington took advantage of this circumstance, and formed a double interior line of operations, communicating by bridges of boats placed at Abrantes and Villa Velha, upon a shorter line than any by which the enemy's armies could possibly form a junction. By this, he was enabled to interpose his whole mass between Lisbon and whichever army advanced; and when the necessities of their troops obliged the French to disseminate their corps, he, who always kept his army ready, and in hand, with a prudence and address difficult to conceive, prepared the means so secretly, that his own officers were ignorant of his views, and, with equal boldness and celerity, besieged and carried by storm, first one, and then the other of those fortresses, by holding which the enemy had so long hung, like a nightmare, upon Portugal. If the operation of passing the Douro in 1813 was not strictly scientific, it was successful, and was probably the result of circumstances with which we are unacquainted; and, at all events, we can only say of him, what Jomini somewhere says of Frederic, 'qu'il fut encore plus grand homme que grand capitaine.' The battle of Salamanca, of which we shall speak in its proper place, proves that he was both a great man and an able general.

The movement made by Sir John Moore, when, in the winter of 1808, he marched to attack Marshal Soult, then posted along the banks of the Carrion River in the north of Spain, is another excellent example of a right application of principles, under the most difficult circumstances; and, as it proves the justness of his views, the sagacity of his mind, and the vigour of his character, we are tempted to enter into a critical investigation of it by Jomini's maxims.

Having, unexpectedly to himself, been appointed to the command of the army destined to act in Spain, he, by dint of strenuous exertion, placed that part of it which was at Lisbon in movement for the Frontier, within eight days after the notification

of his appointment. The remainder of the forces intended for the service were sent from England to Corunna.

Sir John Moore was not consulted about the arrangement of this plan; his military chest was nearly empty; and, from the scanty store possessed by him, he was obliged to send 8000*l.* to enable Sir David Baird to put the Corunna division in motion from that town. He could not obtain money upon bills;—he was not put in communication with any person capable of giving him correct information;—no channel of that nature had been indicated to him;—and he was pestered with false intelligence from all quarters, high and low.

'Nothing,' says Mons. Jomini, 'can be more opposed to 'the just principles of the Art of War,—nothing can be more 'dangerous, than acting upon double lines of operations, which 'cannot unite except in the neighbourhood of the enemy, and at 'a great distance from their bases.' The ministers, however, had taken the decision of this important point out of the general's hands. *They* divided his army into two corps, and, placing them at a distance of six hundred miles from each other, they directed him to form a junction of them in the province of Leon;—in other words, to act by separate divisions upon double exterior lines, each three hundred miles in depth, for the purpose of uniting them again under the beard of an active, enterprising enemy, superior in numbers, and commanded by the best general of the age; and this too, when, neglecting to give him any good channel of intelligence, they rendered it very difficult for him to form any for himself, in default of time and money. Under all these circumstances, the campaign must be considered as solely belonging to the ministers, up to the moment when the junction of the Corunna and Lisbon divisions of the army became secure. From that time, the merits and defects of the manœuvres, in a military view, rest with the general.

This junction was capable of being made, immediately after all the Spanish armies had been defeated; because, at that time, the Emperor Napoleon had detached a strong corps in pursuit of General Galuzzo, who, with the remains of some of the vanquished, had retired along the Tagus; and, concluding that this corps, which also threatened Lisbon, would oblige the British to retire upon that town, he had disseminated his troops over a wide extent of country, with a view to profit from his victories. The great body of the French under Napoleon himself were in the neighbourhood of Madrid;—the corps which pursued Galuzzo was at Talavera de la Reyna; another corps, under Marshal Mortier, was ordered to march from the north

for Saragoza; Junot's corps was on the northern road from France, on his way to join Soult; and the latter Marshal, with 15,000 men, was posted along the banks of the Carrion river, and threatened the destruction of the remnants of Blake's army, then reorganizing under the Marquis of Romana, near the town of Leon. Under a purely military aspect, it would undoubtedly have been wise to have retired upon Portugal at that moment;—the whole army might have been collected at Lisbon, reinforced with troops left there, and afterwards carried to the south of Spain, from whence the most effectual resistance could have been made. Sir John Moore fully felt that this would have been the most eligible plan to have followed, if he had had to view it stript of all political considerations. But there are many situations, in which a general may feel it incumbent upon him to act upon a different system from that which his military judgment would have induced him to select as the best. Sir John was placed in such a predicament, from a course of events over which he had had no control.

The bad effects which a retrograde movement would have had upon the minds of the Spaniards at that moment, is manifest. All depended upon the confidence of the nation;—the public mind was upon the balance; and, to retire without an effort, immediately after the defeat of their armies, would probably have turned the scale in favour of quiet submission. Hopes of a rising spirit among the people had just then dawned: Madrid had shut her gates; and an official letter, from two of the principal persons composing the existing government, had informed the general that the inhabitants were armed in great numbers, and that the Spanish armies were marching to join them in the defence of the town. Upon the heels of this, a formal notification arrived from the town of Toledo, signed by the Junta of that place, declaring their determination to risk a siege, and to bury themselves under the ruins of their town, sooner than submit to the invaders of their country: And this was the more easily believed, because Saragoza had resisted effectually. Sir John Moore felt that the opportunity was favourable in itself; and all these representations and misrepresentations were backed and supported by the English ambassador. In short, all sorts of folly and rashness seem to have combined for the purpose of deceiving him as to the true state of affairs, while powerful political reasons urged and justified him in the determination of changing his first design of falling back upon Portugal, into a forward movement against the enemy.

'It is,' says Mr Fox, 'one of the great distinctions be-

'tween an ordinary mind and a superior one, to be able to 'carry on, without relenting, a plan we have not originally ap-'proved,—and especially when it appears to turn out ill.'—This just remark forms a test, from the severest application of which Sir John Moore's conduct will not suffer.

We have already observed, that the corps of the French army were disseminated. The English general knew this; and he also knew that both Soult and the Emperor were so deceived as to his real position and intentions, that they supposed him to be in full retreat for Lisbon. Upon this state of affairs, he formed his plans: By rapid marches, he united his separated divisions, and carried a superior mass of troops upon a decisive point. This point was the corps of Marshall Soult, which, inferior in numbers, was also scattered in several divisions along the banks of the Carrion, although covering the communications of the French army with France by the north.

Sir John Moore calculated that the danger incurred by this corps from his advance would necessarily draw the Emperor from before Madrid; that it would save the south from any immediate attack; that it would probably save the remnants under General Galuzzo, and certainly give Romana time to breathe: And he had good reason to hope, that, from the ignorance which both the Emperor and Soult were in as to his real movements, he might have time to gain these advantages, and give the latter a heavy blow notwithstanding. Napoleon, however, obtained correct information in sufficient time to save Soult; but the other objects *were attained.*

The corps sent in pursuit of General Galuzzo was halted, and received orders to march northward. The movement of Mortier upon the town of Saragoza was suspended; and all the other divisions of the French army were pushed on with incredible celerity, in a concentric direction; first, upon the Esla river, from which they endeavoured to cut off the British; and then upon Astorga, where they hoped to have enveloped them.

In these designs Napoleon was foiled by Sir John Moore, who had thus, with a force not exceeding 23,000 infantry and a few cavalry, by a skilful operation, in perfect accord with the best principles of the Art of War, obliged his adversary to put 90,000 men in motion against him, at a time when the preceding defeats of the Spanish armies, and the consequent terror of the Spanish nation, afforded the most favourable opportunity of profiting from his successes. The south was relieved from its fears; and the greatest part of the French forces was engaged, in the middle of winter, among the rugged and steril mountains of Gallicia, vainly endeavouring to destroy this handful of British soldiers

which retreated upon Corunna. The disadvantages arising from the severity of the weather, and the natural difficulties of the road, were much heightened by the inexperience of a raw army, unacquainted with service: Yet the firmness and ability of the general enabled him to effect a continued retreat of eighteen days, over dreadful mountains, covered by winter snows, without suffering a greater loss than 4500 men, including those who fell in the victorious action which closed the campaign; and, even of this number, above 1200 stragglers escaped into Portugal, and did good service the following year, under the title of the Battalions of Detachments. The greatest misfortune that befel the British army, was the death of Sir John Moore, who fell in the moment of victory! His country has good reason to lament his loss. For himself, his heroic death was graceful, and fitting his pure and honourable life. The delicate trait of the sword, recorded by Captain Hardinge, * was but a type of the man's whole life. It was the natural emotion of a mind habituated to the noblest and most elevated sentiments,—a kindred impulse to that which animated Cæsar, while adjusting his garments under the daggers of his assassins.

We have somewhat deviated from the strict line of our review, by entering at such length into the transactions of this campaign,—partly tempted by its connexion with our subject, and partly from a desire to defend this great man from the most ungenerous aspersions,—to rescue his fair scroll of fame and honour from the harpy claws that would tear and deface it. Eleven years have passed since Sir John Moore found a bloody and honourable grave in defence of his country; and, to this day, slight and uncandid authors continue to pass off their slender remarks upon his character and proceedings. Some of these are beneath criticism, such as Mr Rocca,—and might have been safely left to the correction of their own frivolous absurdity, were it not that they have been kept in countenance by the observations of Colonel Jones of the Engineers, in a recent work of his, entitled, 'An Account of the War in Spain and Portugal, and the South of France;' which account, he informs the world, is intended to serve as an authority upon which the future historian may safely rely, when handing down to posterity the events of that war. Such a work would indeed be desirable; but posterity will be wofully deceived, if it trusts to a history founded upon the authority of this work, which, to say nothing of its deficiency in style, is curiously de-

* Now Sir Henry Hardinge. *Vide* his Letter at the end of the Narrative of Sir John Moore's Campaign.

void of profound views, and in many places extremely inaccurate as to facts. It is, however, only with this last fault, as far as it affects the character of Sir John Moore, that we have any present business; and we shall select, in proof of our assertion, one instance of this incorrectness, so extremely gross and prominent, that we apprehend our readers will turn away with disgust, and desire to hear no more.

In his 49th page, Colonel Jones has written thus—'It was 'found, even at this early period of the retreat, that *rapidity of* 'movement, and the *want of regular supplies*, had shaken the 'discipline of the troops; stragglers had become numerous; 'and disgraceful scenes of plunder and drunkenness were exhi-'bited at *Villa Franca*, the town being literally sacked in the 'search after food. These excesses, however, might readily 'have been restrained, if *a previous arrangement for the supply* 'had been made; as the army yet preserved a considerable de-'gree of discipline.' Again, at page 50, he says—'To make 'this exertion, a quantity of treasure, and many valuable stores, 'which could not advance at the same rate, were abandoned.' This vast quantity of treasure amounted to 25,000*l.*, which was always kept near the head-quarters, to answer sudden emergencies. The bullocks that drew it were tired; and, to prevent an engagement with the rear guard, the money was rolled down a precipice, where it was found afterwards by the Spanish peasantry. But we will not quarrel with this high-sounding phrase of Colonel Jones, who probably considered it as vast, from a comparison with the scanty sum in the military chest of that army.

The first cause of the 'frightful excesses,' to use another expression of Colonel Jones, was, it seems, 'the rapidity of movement.' The distance from the town of Benavente to Astorga is less than 40 miles;—from thence to Villa Franca about 50 miles,—making together less than 90 miles English. The army marched from Benavente upon the 28th of December;—upon the 3d of January they entered Villa Franca. Thus, in seven days and seven nights, or 168 hours, they had marched nearly 90 English miles. We will allow twelve hours out of every twenty-four for food and sleep;—surely enough for a retreating army! Does Colonel Jones require more? There will remain 84 hours to 90 miles, or little more than one mile per hour. Wonderful rapidity! But 'the excesses of the 'troops might have been readily restrained, if a previous ar-'rangement for the supply had been made.' We beg our readers to bear in mind this assertion, and compare it with the following statement.

Upon the 12th of December, Sir John Moore wrote as follows to Sir David Baird, then commanding the Corunna division. 'I consider Benavente as a place to have certain stores 'advanced to; the rest you should divide between *Astorga* and 'Villa Franca.' Upon the 14th of December, in a letter to the same officer, he wrote thus—'The arrangement with re-'spect to your stores, which I communicated in my letter of 'the 12th, may go on, by which we shall have a certain por-'tion at Benavente, and the rest at Astorga and the rear;' and, a little further on, in the same letter—'Every arrange-'ment which I before directed, with a view to enable us to live 'in the Gallicias, should be strictly attended to.'

As Sir David Baird is still *living*, we suppose that Colonel Jones was not aware of the serious charge of disobedience of orders which the passages quoted from his work contain against that brave and distinguished officer; but although, like Sir John Moore, he had been in his grave, his high character might still have been preserved, because the whole army knew that there were magazines at Astorga and Benavente, and a large one at the town of Villa Franca, so miserably '*sacked in the search after food.*' The whole army saw them —the whole army knew that it was the last mentioned magazine which was partly plundered, and not the inhabitants' houses. Colonel Jones, we believe, belonged to that army; and if he could not see what every body besides himself saw, he might, and before he presumed to censure, he ought to have informed himself of the true state of the case. In Mr James Moore's narrative of his brother's campaign, a work which it is evident Colonel Jones has read, the following passage is to be found. 'Upon the General's arrival at Villa Franca, the Com-'missaries reported that the magazines had been plundered— 'stores of wine had been broke open, and a great quantity of 'provisions and forage spoiled. One man, who was detected in 'committing these atrocities, was made an example of.' And yet, in the face of all these facts, Colonel Jones talks of the 'want of regular supplies' shaking the discipline of the troops —of his own impartiality—and the value his work will be of to the future historian!

It is impossible to close the consideration of the principles which ought to direct strategetical movements, without doing justice on this head also to some of the most celebrated generals of antiquity. When Asdrubal, the brother of Hannibal, marched from Spain into Italy, the Romans were thrown into the greatest consternation. They had found it difficult to save themselves from Hannibal alone; and Asdrubal was little inferior in abilities.

He led a numerous army, accustomed to war; and, once joined with his brother, the Romans felt that their state was gone. They were relieved from this fear by their generals Nero and Levinus, who possessed and felt the value of a central position. The former, who had Hannibal in front, leaving a part of his army in his camp, secretly, and with great diligence, carried the rest to the army of Levinus, who had Asdrubal to oppose. Their united force destroyed him and his whole army; and Nero returned with such celerity, that Hannibal first discovered his absence, by finding Asdrubal's head thrown within his lines.

Scipio Africanus the elder performed one of the most astonishing and dreadful exploits recorded in history, by seizing upon the advantages of a central position. Syphax, king of the Numidians, and a Carthaginian general, had advanced against him with very superior forces; but they divided their armies, and encamped at a distance of about two miles only from each other. The watchful Roman saw the error; and, placing his army at night between the two, killed and burned nearly the whole of both. The account is to be found in Polybius; and if the horror of the scene did not absorb every other feeling, it would create the highest admiration of Scipio's talents, who seems on all occasions to have been governed, in his military career, by the principle of acting with a mass upon a decisive point: Witness his march upon Carthagena in Spain, from which the ruin of the Carthaginian cause in that country must be dated.

The Gladiator Spartacus, however, has given the most brilliant example of what may be done by a central position. In his march along the Appenines, he was pursued by one consular army, and encountered in front by another. He seized a strong hill which commanded a view of both roads, left a small force to keep the pursuing Consul in check, advanced with his main body against the other, defeated him in the morning, and, returning to the assistance of his camp, relieved it, and defeated the other in the evening of the same day. This exploit has no parallel in ancient or modern times, except the raising of the siege of Mantua, and the subsequent defeat of Wurmser's army in 1795 by Napoleon; and, even there, the French troops being upon a par with their opponents in discipline and arms, and superior to them in valour, and the wings of the Austrians divided by the great lake of Guerda, their consecutive defeat became an easier task.

But it is now time to return to our author. Besides investigating the principles of Strategy, and those which must influ-

ence the selection of territorial lines, he devotes a great part of his work to analyze and explain the leading principles of tactics, which consists mainly in the art of fighting battles: And this branch is certainly not the least important of the three; because, unless it is well understood, the knowledge of the other will be comparatively useless. In many respects, it is less capable of being reduced to correct elementary principles than the other branches. To establish certain detailed rules for fighting a battle, has been the favourite scheme of many military writers, in despite of the evident absurdity of such an attempt. The folly and presumption of these writers have brought works treating of war into general disrepute. The vast varieties of ground, and even the customs and moral qualities of different nations, will always render it impossible to say beforehand how a battle ought to be fought; and very difficult to form a right judgment afterwards,—particularly to censure with propriety. There are, however, general principles which should govern more or less; and the chances of success will be increased or diminished as those principles are attended to. That great pervading one, of operating with a superior mass upon a decisive point, is manifest; because physical force, not of individuals, but that resulting from the union of numbers, horses and arms, is the real and unerring cause of the gain of battles, when the moral qualities are equal in both armies. The means of bringing this force to bear in the most advantageous manner, is the art of fighting; consequently, courage and fortune being nearly balanced, that general who can operate with the largest mass upon the most decisive point, must be successful.

Nothing, it may be added, is more common, and nothing can be more unjust, than to judge of a general's talents by the simple test of a battle lost or won. To fight a successful one upon just principles, will indeed entitle a commander to high praise for his talents; and the qualities of his mind must be various and rare. The greatest exertion of the most valuable and even contradictory endowments are requisite. In the midst of havoc and confusion, his view must be rapid, and his decision and execution instantaneous;—calmness must be his, when all around is turbulence and horror; and the greatest impetuosity must be united with the most consummate prudence. But a battle may be won by accident, without any exertion of these admirable qualities. Most battles indeed are so won. There are very few great generals.

Notwithstanding the various combinations which may take place previous to or during a combat—notwithstanding the almost infinite number of changes in position which every square

of ten miles affords—all plans of battles may be classed under three heads or orders, each subject to some small modification. *First*, the simple parallel order, or that in which hostile armies are drawn up in parallel lines, and advance to the charge, without any other object than to drive back, by dint of strength and courage, whatever is opposed to them. Accident, or superior valour, can alone decide such a contest; which Monsieur Jomini pronounces to be, under any circumstances, the fruit of ignorance and incapacity. The credit of any success belongs entirely to the soldier. The general can have no part in it.

The *second* order is the parallel one, reinforced upon some one part, or upon several parts, of the line; the object being to force a weak point, or to obtain some important part of the position of an enemy. This appertains to the principle of masses, although not the most perfect way of applying it. In some cases this order would be excellent; and, in all cases, it would be better than the first order, as being a degree higher upon the scale of combinations, and opening a field for the exercise of a general's talents. Many great generals have employed it with success, particularly among the ancients, to whose arms it was better adapted than to the moderns. When first brought into practice by Epaminondas at the battle of Leuctra, it procured him the advantages which new and sound discoveries will always ensure to those who first apply them to practice. The extraordinary and unlooked-for successes of the Theban armies at that time, affords a strong proof of the deficiencies of the simple parallel orders in use throughout Greece before that memorable epoch.

The oblique order of battle is the *third*, and the best class. To apply it, great simplicity is necessary in the combinations, and great prudence in the execution; but, when once completed, it is the perfection of the art, and its success instantaneous and decisive. It consists in placing an army in an oblique manner across the line of an enemy, at the moment of attack.

Frederic the Great was the first who systematically practised it. He is entitled to all the merit of having introduced it in modern times; and he has left little or nothing to be improved in the execution. Emanating directly from the great principle of acting in strong masses upon the decisive point, it affords the means of pushing that principle to the utmost possible extent; because an army once placed in this oblique order upon an extremity of the opposing line, has only to advance, and the battle is won. This simple operation enabling it to go on constantly enveloping a small portion of its opponent's line, no effectual resistance can be offered as long as this relative position is pre-

served, and no counter formation can take place except under a superior fire upon front, flank and rear, and in the midst of the confusion arising from the retreat of the broken troops, constantly driven back upon those who endeavour to form, by the continued advance of the attacking army, whose masses would be always directed upon the points where any stand was attempted.

Such is the most perfect application of the oblique order, having this advantage over any other, that either the right or the left wing (as the case may be), is always, as it is technically termed, refused to the enemy in the attack; and should the latter, from accident, from superior courage, or from some advantages of ground, be enabled to effect their formation, and successfully resist the assailants, only a small portion of the troops has been committed by a close engagement, and the great body, consequently, can withdraw without danger or confusion. There is, however, another application of the same order, which will have nearly the same results, viz. the attack of an army in march, by suddenly forming across the head of its columns; but it is easier in this case to avoid the impending danger by counter manœuvres, because the troops of the assailed, being in movement, are ready to take any formation, and being also along their own line of communication, a retreat could be more quickly executed: Besides which, no embarrassment from impracticable or difficult ground would occur,—a circumstance always to be feared by an army attacked upon the more perfect system, as the choice of a position is generally directed by the security afforded to the flanks from difficult ground, upon which the beaten army would of course be driven, when once the assailants had succeeded in turning either wing by an oblique order of battle.

Among the number of actions in which the effects of this order are conspicuous, the battle of Leuthen, fought by Frederic, is remarkable, as a modern example of the attack in position; and the battle of Thrasymene, an ancient one, of the attack upon a line of march. Hannibal, we may observe by the way, has been very unjustly represented by historians as owing his principal successes to stratagems, wiles, and ambuscades, very fitting for a partisan, but utterly incompetent in themselves to produce such victories as he gained, which were in reality the fruit of his consummate knowledge of the sublime parts of war, and his skilful application of true and just principles. The fact is, that the nature of the ancients' weapons, and the close and deep formation of their armies, made it nearly impossible to put the oblique order of battle in practice,—and the squareness of their corps, and the feeble range of their missiles, made it of less con-

sequence; because a simple turn to the right or left was sufficient to present a front to any attack, and the short flight of their arrows and javelins prevented any great number from attacking at the same time upon an extremity. Hence, the object of a general was to enclose an adversary within a circle, as, by that means, the greatest number of missiles could be poured upon the most contracted space; but as they were obliged to manœuvre close to one another, this could not be done without the assistance of a stratagem, which would draw the enemy into such a situation that he could not avoid being so enclosed. This, at first sight, may appear to be opposed to the system of masses; but a closer examination of it will show that it is in accord with it. It is not the mass of bones and muscles alone, but the mass of weapons which these muscles direct, that is of importance; and consequently, as any body of men so armed would be unable, if enveloped, to direct upon their assailants an equal quantity of weapons, they would be actually a smaller mass, although superior in numbers. The wiles and ambuscades of Hannibal, were all indications of his thorough knowledge of this principle, which is the foundation of every thing excellent in war. His march through the Marshes, which placed him upon the rear of Flaminius;—his burning the country round, to provoke that haughty and impetuous warrior;—and, finally, his position across the defile between the lake and the mountain, were all worthy of the general who had passed the Alps, to attempt the destruction of the Roman State.

The battle of Salamanca is a remarkable epoch in the late war of the Peninsula. From that moment, all the chances of final success in Spain were in favour of the British. The French armies fell from one misfortune into another;—a rapid succession of calamities drove them upon their own frontiers, where the ebbing tide of their fortune left them, like desolate wrecks, with hardly an appearance of their ancient pride and spirit, to tell what they had once been. But this battle is still more remarkable for a beautiful application of the oblique order, which ensured the victory to the Duke of Wellington. In this respect, it might vie with Rosbach, or Leuthen itself. Like the Prince de Soubise at Rosbach, Marshal Marmont endeavoured, at Salamanca, to turn his adversary's flank, to seize upon his communications, and to give battle upon those advantages; and, like Soubise, he found that he had a better man than himself to contend with.

The French army moved upon the segment of a circle to its left, with a view to join the main road leading from Salamanca to Ciuidad-Rodrigo, which would have placed it between the

British army and their base of operations. The Duke of Wellington, from the top of a rugged hill called the Arapile, situated nearly opposite to the centre of the arc described by the march of the French, watched this movement with the greatest attention. He had left a division of his army concealed under cover of some high ground near the road just mentioned;—he posted his cavalry between that division and his main body, which he had drawn up in solid columns behind the Arapile;—all seemed to announce an intention of retreating; and the French pushed forward with a rapidity that marked an overweening confidence, and separated part of their left wing from their right. Nearly 50,000 French troops, perfectly disciplined, and filled with joy at the prospect of speedily attaining their object, were now marching in hostile array before the Duke. Full of pride and courage, they deemed themselves already victorious. Suddenly the concealed division moved along the valley, and appeared across the line of their march;—the cavalry advanced; the columns deployed from behind the hills with rapid pace; and the British army found themselves formed in the oblique order upon an extremity of the enemy's line; the battle commenced; and in an hour the French were swept off the field.*

As all positions differ in the nature of the ground from each other, the number of combinations by which the principle of the oblique order may be applied, are infinite. It may also be put in practice against the centre of an army, as well as against an extremity; because, the centre being carried, a central position is obtained, and a small body being left to keep one wing in check, the other may be beaten in the same manner as the whole army would be by an oblique line upon the flank. In this case, the point of attack must be forced by an advanced guard, formed independently and unconnected with the troops which are to be employed in the operation against the wing; otherwise a general would be lending his own flank to the enemy, instead of assailing theirs. But as the centre of an army can be reinforced from both flanks, it may be taken as a general rule, that it is always better to attack an extremity, unless the wings are separated by some obstacle, such as a ravine, a wood,

* Jomini has inserted a note, Vol. VIII. p. 696, in which he makes some observations on what he understands to be the Duke of Wellington's order of battle. We think him quite wrong; but we have neither space nor time to explain why—and the less inclination, that we are quite sure he will be practically corrected the first time he encounters British troops.

or river, which would render it matter of time to carry succour to the centre.

By a skilful application of right principles, in this third branch, as well as in the second, a general might manœuvre in such a manner, that with 40,000 men he could overcome 60,000, paradoxical as at first sight it may appear.

It must always however be recollected, that we cannot, like Captain Bobadil, kill our enemies, first twenty, and then twenty more, by simply having good ideas upon the subject. Success in the execution depends upon the regularity and celerity with which an army moves. 'Je ne connais que trois choses a la guerre,' said the Emperor Napoleon to his generals, 'faire douze lieues par jour combattre et cantonner ensuite en repos.' But to accomplish twelve leagues, there is something more necessary than to give an order for it. Monsieur Jomini holds an exact discipline rather too cheap. Without it, no army can march twelve, nor yet the half of twelve, leagues in a day. Those who have seen a column of ten thousand men delayed for three or four hours by a dirty puddle in a road, will fully agree with us in estimating more highly than our author does the value of a good and strict discipline. Yet it is not necessary, for this purpose, to introduce that degrading system which General Lloyd, speaking of the Prussian army, calls 'a ferocious discipline, violating human nature;' a system which has, notwithstanding, had its admirers and advocates in this country. Nay, we believe, that, to the firmness and just feelings of the Duke of York, it is that the British army owes its escape from such abomination.

We cannot better conclude the view we have now given of this work, than by laying before our readers the words in which Jomini expresses, in his concluding chapter, the object he had in view.

'* Il a existé, de tous temps, des principes fondamentaux, sur les quels reposent les bonnes combinaisons de la guerre, et auxquelles on doit rapporter ces combinaisons pour juger de leur véritable mérite.

'Ces principes sont indépendans de la forme des armes, des temps et des lieux; ils sont immuables; leur application exige seulement des variations que le genié et l'expérience indiquent. Depuis trente siècles il y a eu des généraux que ont plus ou moins bien appliqué ces premières maximes de l'art. Cyrus † Annibal furent de grands

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* Ce chapitre, compose en 1806 à Posen, fut imprimé pour la première fois, en 1807; il a été dès-lors augmenté de quelques articles et de notes relatives aux événemens qui s'étaient passés postérieurement.

† Voyez Cyropédie de Xénophon.

capitaines; Rome et la Grèce en fournirent plusieurs; Alexandre manœuvra souvent avec habileté; César fit, comme lui la guerre d'invasion et la grande guerre; Tamerlan même, que nous connaissons si peu, a laissé des institutions dont chaque page prouve ce génie naturel qui sait commander aux hommes, et le tact qui sait les employer. § En recherchant les causes des victoires qui ont été remportées, on serait assez surpris de trouver au gain des batailles de Wagram, de Pharsale et de Cannes, la même cause première.

' Cependant, par une fatalité difficile à cencevoir, la plupart des écrivains qui ont traité de l'art militaire semblaient s'être donné le mot pour rechercher, dans mille détails accessoires, ce qui ne provenait que de la bonne direction des grandes opérations, ou du sage emploi des masses un jour de combat. * Il en est résulté une foule d'ouvrages où les auteurs, arrangeant à leur manière des détails insignifians, nous ont donné cent systèmes contradictoires, et ont prouvé que, s'il en existait un bon, tous les autres étaient nécessairement faux, puisqu'ils ne s'accordaient point entre eux. Enfin on avait été si loin que, dans des traités entitulés *l'Art de la Guerre* on trouve de longs chapitres sur la manière dont les officiers doivent porter leur épée, et sur la forme des baguettes de fusil.

' Le résultat de ces fatigantes dissertations a été de persuader à beaucoup de militaires, d'ailleurs fort estimables, qu'il n'y avait point de regles à la guerre; erreur absurde qui ne fait pas honneur à ceux qui la professent. Sans doute il n'existe aucun *système* de guerre exclusivement bon, parce que tout système est le résultat de calculs hypothétiques; c'est une action de l'esprit humain, qui peut se tromper, et souvent, a l'aide de grandes phrases et de mots lechiques arrangés avec art, on donne une apparence de vérité aux idées les plus fausses. Mais il en est bien autrement *des principes;* ils sont invariables, l'esprit humain ne peut ni les modifier, ni les détruire.

' Pour donner des notions exactes sur la guerre, il aurait donc fallu que les auteurs, au lieu de créer des systèmes absurdes, détruits les uns par les autres, eussent commencé par établir les principes auxquels toutes les combinaisons se raportent. C'était un travail plus grand, plus difficile; mais il eût offert un résultat assuré. On ne trouverait plus tant d'incrédules sur la réalité de la science. Mack n'aurait pas ecrit, en 1793, que les longues lignes étoient les plus fortes. Bulow n'aurait pas pretendu qu'une armée devait, pour se sauver, se partager en autant de corps qu'elle pouvrait prendre de routes, dût-elle ne jamais par venir à rassembler ses colonnes ainsi disséminées (retraites excentriques). On n'aurait pas non plus introduit un système de cordon qui éparpille une armée, pour garder tous les chemins, au risque de la voir détruite, comme Turenne détruisit celle de Bournonville en Alsace.

' Frédéric avait écrit sagement que le talent du grand capitaine était de faire diviser son ennemi, et, cinquante ans après, plusieurs

§ Instituts de Timour, par Langlès.

* Ecrit en 1806, dès-lors plusieurs bons ouvrages ont paru.

généraux de nos jours trouvaient admirable de se diviser eux-mêmes autant qu'ils le pouvaient. Une telle subversion dans les idées n'a pu être que le résultat de l'incertitude qui regnait dans les opinions individuelles. Les erreurs les plus grossières n'auraient pas été ainsi avancées, et les plus grandes vérités de l'art n'eussent pas été méconnues par les militaires, si, au lieu de suppositions vagues, de calculs uncertains, on s'était attaché à démontrer des principes incontestables et à donner un régulateur commun à des opinions jusqu'alors divergentes. J'ai osé entreprendre celle tâche difficile, sans avoir peut-être le talent nécessaire pour la remplir; mais il m'a paru important de jeter des bases dont le développement aurait pu être retarde pour long-temps, si l'on n'avait pas profité des circonstances afin des les fixer.' Vol. VIII. p. 677.

It does appear to us, and we are assured it will appear to such of our readers as we may have induced to peruse the work itself, that Monsieur Jomini has executed his task with the utmost ability. We are aware, indeed, that we have made a very faint sketch of his labours; for his volumes are so full of matter, and his reasoning so closely connected and intermixed with his examples which are given in minute detail, that we could not fill it up in stronger colours, without far exceeding the bounds of a Review. The necessity, also, of having maps and plans to illustrate the arguments, renders it impossible to do more than call attention to this excellent and useful book, which is as full of amusement as of instruction for those, who, like us, think a good history by a philosophic writer an entertaining production. It does not, indeed, belong exclusively to military men. Any person will find an interest in reading it; and an Alderman may understand it.

With regard to the style, without hazarding a criticism upon its purity as French, we should say, it is nervous and commanding; the author seizes all the great points belonging to his subject, and dismisses, perhaps with too much disdain, the minor ones. In the first part, it is rather difficult, for want of marks, to distinguish whether it is Lloyd, Templehoff, or Jomini himself who speaks. But, upon the whole, we should say that it is a clear, good style, well suited to the subject, although bearing marks of the author's peculiar disposition, which, we have heard, is extremely vehement and fiery; an impetuous soldier, after Cæsar's heart, possessed of great genius and ardour, and dividing his time between pleasure and war; being, as a friend of his once told us, 'composé absolument de l'amour, de sulphur et bitume.'

The concluding pages of the work are so striking, that we cannot resist quoting them, even at the risk of extending this article too far.

'Il serait superflu de faire observer à mes lecteurs que nous n'avons

traité ici que les principes relatifs à l'emploi des troupes, ou la partie purement militaire ; d'autres combinaisons, non moins importantes, sont indispensables pour bien conduire une grande guerre, mais elles appartiennent à la science de gouverner des empires, plutôt qu'à celle du général.

' Pour réussir dans de grandes entreprises, il importe non-seulement de calculer l'état respectif des armées, mais encore celui des moyens de seconde ligne, qui doivent servir de rèserve et remplacer les pertes de toute espèce, en personnel et en materiel. Il faut aussi savoir juger l'état interieur des nations d'après ce qu'elles auraient déjà eu à soutenir antérieurement, et d'après la situation relative de leurs voisins. Il n'est pas moins nécessaire de mettre dans la balance, les passions des peuples contre lesquels on a à combattre, leurs institutions et l'attachement qu'ils ont pour elles. Il faut calculer aussi la situation des provinces, l'éloignement de la puissance qu'on veut attaquer, car les désavantages de l'agresseur, se multiplient à mesure qu'il augmente la profondeur de sa ligne d'opérations. Enfin il faut juger la nature du pays dans lequel on va porter la guerre * et la solidité des alliances que l'on peut se ménager pour une entreprise lointaine.

' En un mot, il est indespensable de connaître cette science, mélange de politique d'administration et de guerre, dont Montesquieu a si bien tracé les bases dans son ouvrage sur la grandeur des Romains. Il serait difficile de lui assigner des règles fixes, et même des principes généraux ; l'histoire est la seule école dans laquelle on puisse trouver quelques bons préceptes, et il est encore bien rare de rencontrer des circonstances que se ressemblent assez, pour qu'on doive se régler, à une certaine époque, sur ce qui aurait été fait quelques siècles auparavant. Les passions des hommes influent trop sur les événemens, pour que les uns n'échouent pas, là même en d'autres ont reussi.

' Bonaparte connaissait peut être cette science, mes son mépris pour les hommes lui en a fait négliger l'application. Ce n'est pas l'ignorance du sort de Cambyse ou des légions de Varus qui a causé ses revers ; ce n'est pas non plus l'oubli de la défaite de Crassus, du désastre de l'Empereur Julien, ou du résultat des croisades : c'est l'opinion que son génie lui assurait des moyens incalculables de supériorité, et que ces ennemis au contraire en étaient totalement dépourvus. Il est tombé du faîte des grandeurs pour avoir oublié que la force et l'esprit humains ont aussi leurs bornes, et que plus les masses mises en mouvement sont énormes, plus le pouvoir du génie est subordonnés aux lois imprescriptibles de la nature, et moins il commande aux événémens. Cette vérité, démontrée par les resultats des affaires de la Katzbach, de Dennewitz, et de Leipzig même, ferait à elle seule un sujet d'étude intéressant.

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* C'est ce qui m'a fait déjà écrire en 1805, tome 5, chapitre iv, que le système de Bonaparte n'était pas exécutable en Russie ou en Suède.

' Il n'entre pas dans mon plan de répeter ici les préceptes importans que Montesquieu et Machiavel nous ont laissés sur ce grand art de diriger les mouvemens des empires ; mon intention étant de tracer les événemens dont j'ai été témoin, dans un ouvrage particulierement consacré à l'histoire, j'essayerai d'y présenter quelques réflexions sur les changemens que les guerres de la révolution ont apportés dans les idées sur l'organisation et la déploiement des forces nationales, sur leur emploi, et sur les suites qui en résulteront probablement dans les révolutions futures du corps politique. Les armées ne sont plus composées, aujourd'hui, de troupes recrutées volentairement, du superflu d'une population trop nombreuse ; ce sont des nations entières qu'une loi appelle aux armes, qui ne se battent plus pour une démarcation de frontiéres, mais en quelque sorte pour leur existence.

' Cet état de choses nous rapproche des 3 et 4 siècles, en nous rappelant ces chocs de peuples immenses que se disputaient le continent Européen, et si une législation et un droit public nouveaux, ne viennent pas mettre des bornes à ces levées en masse, il est impossible de prévoir où ces ravages s'arrêteront. La guerre deviendra un fléau plus terrible que jamais, car la population des nations civilisées sera moissonnée, non comme dans le moyen âge, afin de résister à des peuples sauvages et dévastateurs, mais pour le triste maintien d'une balance politique, et afin de savoir, au bout d'un siecle, se telle province aura un préfet de Paris, de Pétersbourg ou de Vienne, qui la gouvernerait d'après les mêmes lois et les mêmes usages à fort peu de chose prés. Il serait bien temps néanmoins, que les cabinets revinssent à des idées plus généreuses, et que le sang ne coulât plus désarmais que pour les deux grands intérêts du monde.

' Si ce vœu, vraiment Européen, doit être relégué à côté des beaux rêves sur la paix perpétuelle, déplorons les petites passions et les intérêts qui portent les nations éclairées à s'égarger plus impitoyablement que les barbares ; déplorons ces progrès des arts et de la civilisation, que, en faisant de la science diplomatique un labyrinthe inextricable, en out fait aussi la source de tous les déchiremens du genre humain.' Vol. VIII. p. 702.

In thus recommending a work intended solely to improve and explain the destructive art of fighting, we feel that we have exposed ourselves, in this canting age, to the solemn censures of those godly people, who deplore the crime of war so deeply, that they can hardly pardon themselves for having zealously voted for it upon all occasions. But we hope they will consider that war is sometimes the salvation, as well as the ruin and curse of kingdoms ; and that, as the field of battle is the only supreme court to which nations refer the decision of those disputes which affect their existence, it may be as well to know something of the law by which those decisions are to be made.

ART. VIII. *Reports of Cases argued and determined in the Court of King's Bench, in Hilary Term, 60th Geo. III.* 1820. By RICHARD V. BARNEWALL, of Lincoln's Inn, Esq. Barrister-at-Law, and EDWARD H. ALDERSON, of the Inner-Temple, Esq., Barrister-at-Law. Vol. III. Part II. London, 1820.

MOST of our readers will remember, that we very lately published an article upon the use of Steel Traps and Spring Guns; and, in the course of discussion, had occasion to animadvert upon the Report of Mr Justice Best's judgment, in the case of Ilott and Wilkes, as reported in *Chetwynd's Edition of Burn's Justice*, published in the spring of the present year. In the Morning Chronicle, of the 4th of June 1821, Mr Justice Best is reported to have made the following observations in the King's Bench.

'Mr Justice BEST said, Mr Chetwynd's book having been mentioned by my Learned Brother Bayley, I must take this opportunity, not without some pain, of adverting to what I am reported, in his work, to have said in the case of Ilott *v.* Wilkes, and of correcting a most gross misrepresentation. I am reported to have concurred with the other Judges, and to have delivered my judgment at considerable length, and then to have said, "This case has been discussed at the Bar, as if these engines were exclusively resorted to for the protection of game; but I consider them as lawfully applicable to the protection of every species of property against unlawful trespassers." This is not what I stated; but the part which I wish more particularly to deny, as ever having said, or even conceived, is this—"But if even they might not lawfully be used for the protection of game, I, for one, should be extremely glad to adopt such means, if they were found sufficient for that purpose." I confess I am surprised that this learned person should suppose, from the note of any one, that any person who ever sat in a Court of Justice as a Judge could talk such wicked nonsense as I am made to talk; and I am surprised that he should venture to give the authority he does for what he has published; for I find, that the reference he gives in the Appendix to his book is 3 Barn. and Ald. 304, where there is a correct report of that case, and where it will be found that every word uttered by me is directly contrary to what I am supposed, by Mr Chetwynd's statement of the case, to have said. I don't trouble the Court with reading the whole of what I did say on that occasion, but I will just say that I said—"My Brother Bayley has illustrated this case by the question which he asked, namely, Can you indict a man for putting spring guns in his enclosed field? I think the question put by Lord Chief Justice Gibbs, in the case of Dean *v.* Clayton, in the Common Pleas, a still better illustration, viz. Can you justify

entering into enclosed lands to take away guns so set? If both these questions must be answered in the negative, it cannot be unlawful to set spring guns in an enclosed field, at a distance from any road, giving such notice that they are set, as to render it in the highest degree probable that all persons in the neighbourhood must know that they are so set. Humanity requires that the fullest notice possible should be given; and the law of England will not sanction what is inconsistent with humanity." A popular work has quoted this Report from Mr Chetwynd's Work, but has omitted this important line (which omission reminds one of the progress of a thing, the name of which one does not chuse to mention), "that I had concurred in what had fallen from the other Judges;" and omitting that line, they state, that one had said, "It is my opinion, that with notice, or without notice, this might be done." Now, concurring with the other Judges, it is impossible I should say that. It is right that this should be corrected, not that I entertain any angry feeling, for too much time has elapsed since then for any anger to remain on my mind; but all I claim, with respect to the observations made in that work, severe as they are (and I, for one, feel that I should deserve no mercy if I should ever entertain such doctrines), is, that I may not be misrepresented. It is not necessary for me, in this place, to say, that no man entertains more horror of the doctrine I am supposed to have laid down than I do, that the life of man is to be treated lightly and indifferently, in comparison with the preservation of game, and the amusement of sporting; that the laws of humanity are to be violated for the sake merely of preserving the amusement of game. I am sure no man can justly impute to me such wicked doctrines. It is unnecessary for me to say, that I entertain no such sentiments; and therefore I hope I shall be excused, not on account of my own feelings, but as far as the public are interested in the character of a Judge, in saying, that no person should blame a Judge for what has been unjustly put into his mouth.'

His Lordship's speech is reported in the New Times of the same date, as follows.

'Mr Justice Best said, "My brother Bayley has quoted Mr Chetwynd's edition of Burn: I am surprised that the learned author of that work should have made me talk such mischievous nonsense, as he has given to the public, in a report of my judgment, in the case of Ilott and Wilkes. I am still more surprised, that he should have suffered this judgment to remain uncorrected, after he had seen a true report of the case in Barnewall and Alderson, to which report he has referred in his Appendix." Mr Chetwynd's report has the following passage—"Mr Justice Best concurred with the other Judges." His Lordship concluded as follows—"This case has been discussed at the Bar, as if these inquiries were exclusively resorted to for the protection of game; but I consider them as lawfully ap-

plicable to the protection of every species of property against unlawful trespassers. *But if even they might not lawfully be used for the protection of game, I for one should be extremely glad to adopt such measures, if they were found sufficient for that purpose.*"

'A popular periodical work contains the passage just cited, with the omission of the words "concurred with the other judges." Of this omission I have reason to complain, because, if it had been inserted, the writer of the article could not have said, "It follows, that a man may put his fellow-creatures to death for any infringement of his property, for picking the sloes and blackberries off his hedges; for breaking a few dead sticks out of them by night or by day, *with resistance or without resistance, with warning or without warning.*" The Judges with whom Mr Chetwynd makes me concur in opinion, all gave their judgment on the ground of due notice being given. I do not complain of the other observations contained in this work; they would have been deserved by me had I ever uttered such an opinion as the report of Mr Chetwynd has stated me to have delivered. The whole of what I said will be found to be utterly inconsistent with the statement, by those who will read the case in "Barnewell and Alderson." I will only trouble the Court with the passage which will be found in the report of my judgment, in "3, Barnewell and Alderson, 319:"—"It cannot be unlawful to set spring-guns in an enclosed field, at a distance from any road, giving such notice that they are set, as to render it in the highest degree probable that all persons in the neighbourhood must know that they are so set. Humanity required that the fullest notice possible should be given; and the law of England will not sanction what is inconsistent with humanity." I have taken the first opportunity of saying this, because I think it of importance to the public that such a misrepresentation of the opinion of one of the Judges should not be circulated without some notice.

We subjoin the report of Messrs Barnewall and Alderson, here alluded to, and allowed by Mr Justice Best to be correct.

'Best J. The act of the plaintiff could only occasion mere nominal damage to the wood of the defendant. The injury that the plaintiff's trespass has brought upon himself is extremely severe. In such a case, one cannot, without pain, decide against the action. But we must not allow our feelings to induce us to lose sight of the principles which are essential to the rights of property. The prevention of intrusion upon property is one of these rights; and every proprietor is allowed to use the force that is *absolutely* necessary to vindicate it. If he uses more force than is *absolutely* necessary, he renders himself responsible for all the consequences of the excess. Thus, if a man comes on my land, I cannot lay hands on him to remove him, until I have desired him to go off. If he will not depart on request, I cannot proceed immediately to beat him, but must endeavour to push him off. If he is too powerful for me, I cannot use

a dangerous weapon, but must first call in aid other assistance. I am speaking of out-door property, and of cases in which no felony is to be apprehended. It is evident, also, that this doctrine is only applicable to trespasses committed in the presence of the owner of the property trespassed on. When the owner and his servants are absent at the time of the trespass, it can only be repelled by the terror of spring-guns, or other instruments of the same kind. There is, in such cases, no possibility of proportioning the resisting force to the obstinacy and violence of the trespasser, as the owner of the close may and is required to do where he is present. There is no distinction between the mode of defence of one species of out-door property and another (except in cases where the taking or breaking into the property amounts to felony.) If the owner of woods cannot set spring-guns in his woods, the owner of an orchard, or of a field with potatoes or turnips, or any other crop usually the object of plunder, cannot set them in such field. How then are these kinds of property to be protected, at a distance from the residence of the owner, in the night, and in the absence of his servants? It has been said, that the law has provided remedies for any injuries to such things by action. But the offender must be detected before he can be subjected to an action; and the expense of continual watching for this purpose would often exceed the value of the property to be protected. If we look at the subject in this point of view, we may find, amongst poor tenants, who are prevented from paying their rents by the plunder of their crops, men who are more objects of our compassion, than the wanton trespasser, who brings on himself the injury which he suffers. If an owner of a close cannot set spring-guns, he cannot put glass bottles or spikes on the top of a wall, or even have a savage dog, to prevent persons from entering his yard. It has been said in argument, that you may see the glass bottles or spikes; and it is admitted, that if the exact spot where these guns are set was pointed out to the trespasser, he could not maintain any action for the injury he received from one of them. As to seeing the glass bottles or spikes, that must depend on the circumstance whether it be light or dark at the time of the trespass. But what difference does it make, whether the trespasser be told the gun is set in such a spot, or that there are guns in different parts of such a field, if he has no right to go on any part of that field? It is absurd to say you may set the guns, provided you tell the trespasser exactly where they are set, because then the setting them could answer no purpose. My brother *Bayley* has illustrated this case, by the question which he asked, namely, Can you indict a man for putting spring-guns in his enclosed field? I think the question put by Lord C. J. *Gibbs*, in the case in the Common Pleas, a still better illustration, viz. Can you justify entering into enclosed lands, to take away guns so set? If both these questions must be answered in the negative, it cannot be unlawful to set spring-guns in an enclosed field, at a distance from any road, giving such

notice that they are set, as to render it in the highest degree probable that all persons in the neighbourhood must know that they are so set. Humanity requires that the fullest notice possible should be given; and the law of *England* will not sanction what is inconsistent with humanity. It has been said in argument, that it is a principle of law, that you cannot do indirectly what you are not permitted to do directly. This principle is not applicable to the case. You cannot shoot a man that comes on your land, because you may turn him off by means less hurtful to him; and, therefore, if you saw him walking in your field, and were to invite him to proceed on his walk, knowing that he must tread on a wire, and so shoot himself with a spring-gun, you would be liable to all the consequences that would follow. The invitation to him to pursue his walk is doing, indirectly, what, by drawing the trigger of a gun with your own hand, is done directly. But the case is just the reverse, if, instead of inviting him to walk on your land, you tell him to keep off, and warn him of what will follow if he does not. It is also said, that it is a maxim of law, that you must so use your own property as not to injure another's. This maxim I admit; but I deny its application to the case of a man who comes to trespass on my property. It applies only to cases where a man has only a transient property, such as in the air or water that passes over his land, and which he must not corrupt by nuisance; or where a man has a qualified property, as in land near another's ancient windows, or in land over which another has a right of way. In the first case, he must do nothing on his land to stop the light of the windows, or, in the second, to obstruct the way. This case has been argued, as if it appeared in it that the guns were set to preserve game; but that is not so; they were set to prevent trespasses on the lands of the defendant. Without, however, saying in whom the property of game is vested, I say, that a man has a right to keep persons off his lands, in order to preserve the game. Much money is expended in the protection of game; and it would be hard, if, in one night, when the keepers are absent, a gang of poachers might destroy what has been kept at so much cost. If you do not allow men of landed estates to preserve their game, you will not prevail on them to reside in the country. Their poor neighbours will thus lose their protection and kind offices; and the government the support that it derives from an independent, enlightened, and unpaid magistracy.'

As Mr Justice Best denies that he did say what a very respectable and grave law publication reported him to have said, and as Mr Chetwynd and his reporter have made no attempt to vindicate their Report, of course our observations cease to be applicable. There is certainly nothing in the Term Report of Mr Justice Best's speech which calls for any degree of moral criticism;—nothing but what a respectable and temperate Judge

might fairly have uttered. Had such been the Report cited in Burn, it never would have drawn from us one syllable of reprehension.

We beg leave, however, to observe, that we have never said that it was Mr Justice Best's opinion, as reported in Chetwynd, that a man might be put to death *without Notice*, but without *Warning*; by which we meant a very different thing. If notice was given on boards, that certain grounds were guarded by watchmen with fire-arms, the watchman, feeling perhaps some little respect for human life, would probably call out to the man to stand and deliver himself up:—'Stop, or I'll shoot you!' 'Stand, or you are a dead man!'—or some such compunctious phrases as the law compels living machines to use. But the trap can give no such warning—can present to the intruder no alternative of death or surrender. Now these different modes of action in the dead or the living guard, is what we alluded to in the words *without warning*. We meant to characterize the ferocious, unrelenting nature of the means used—and the words are perfectly correct and applicable, after all the printed *noticcs* in the world. Notice is the communication of something about to happen, after some little interval of time. Warning is the communication of some imminent danger. Nobody gives another notice that he will immediately shoot him through the head—or warns him that he will be a dead man in less than thirty years. This, and not the disingenuous purpose ascribed to us by Mr Justice Best, is the explanation of the offending words. We were thoroughly aware that Mr Justice Best was an advocate for notice, and never had the most distant intention of representing his opinion otherwise: And we really must say, that (if the Report had been correct) there never was a judicial speech where there was so little necessity for having recourse to the arts of misrepresentation. We are convinced, however, that the Report is not correct—and we are heartily glad it is not. There is in the Morning Chronicle an improper and offensive phrase, which (now we know Mr Justice Best's style better) we shall attribute to the reporters, and pass over without further notice. It would seem, from the complaint of the learned Judge, that we had omitted something in the middle of the quotation from Chetwynd; whereas we have quoted every word of the speech as Chetwynd has given it, and only began our quotation after the preliminary observations, because we had not the most distant idea of denying that Mr Justice Best considered ample notice as necessary to the legality of these proceedings.

There are passages in the Morning Chronicle already quoted, and in the Term Report, which we must take the liberty of putting in juxtaposition to each other.

Mr Justice Best in the Morning Chronicle of the 4th of June 1821.

It is not necessary for me in this place to say, that no man entertains more horror of the doctrine I am supposed to have laid down, than I do, that the life of man is to be treated lightly and indifferently, in comparison with the preservation of game and the amusement of sporting—that the laws of humanity are to be violated for the sake merely of preserving the amusement of game. I am sure no man can justly impute to me such wicked doctrines; it is unnecessary for me to say I entertain no such sentiments.

In Barnewall and Alderson there is a correct report of that case.—*Morning Chronicle.*

Mr Justice Best in the Term Reports, Barnewall and Alderson.

When the owner and his servants are absent at the time of the trespass, it can only be repelled by the terror of spring-guns, or other instruments of the same kind. There is, in such cases, no possibility of proportioning the resisting force to the obstinacy and violence of the trespasser, as the owner of the close may, and is required to do, when he is present.—317.

Without saying in whom the property of game is vested, I say that a man has a right to keep persons off his lands, in order to preserve the game. Much money is expended on the protection of game; and it would be hard if, in one night, when the *keepers are absent*, a gang of poachers might destroy what has been kept at so much cost.—320.

If an owner of a close cannot set spring-guns, he cannot put glass bottles or spikes on the top of a wall.—318.

If both these questions must be answered in the negative, it cannot be unlawful to set spring-guns in an enclosed field, at a distance from any road; giving such notice that they are set, as to render it in the highest degree probable that all persons in the neighbourhood must know they are so set. Humanity requires that the fullest notice possible should be given; and the law of England will not sanction what is inconsistent with humanity.—*Barnewall and Alderson,* 319.

There is perhaps some little inconsistency in these opposite extracts; but we have not the smallest wish to insist upon it. We are thoroughly and honestly convinced, that Mr Justice Best's horror at the destruction of human life for the mere preservation of game, is quite sincere. It is impossible, indeed, that any human being, of common good nature, could entertain a different feeling upon the subject, when it is earnestly pressed upon him; and though, perhaps, there may be Judges upon the Bench more remarkable for imperturbable apathy, we never heard Mr Justice Best accused of ill nature. In condescending to notice our observations, in destroying the credit of Chetwynd's Report, and in withdrawing the canopy of his name from the bad passions of county gentlemen, he has conferred a real favour upon the public.

Mr Justice Best, however, must excuse us for saying, that we are not in the slightest degree convinced by his reasoning. We

shall suppose a fifth Judge to have delivered his opinion in the case of *Ilott against Wilkes*, and to have expressed himself in the following manner. But we must caution Mr Chetwynd against introducing this fifth Judge in his next edition of Burn's Justice; and we assure him that he is only an imaginary personage.

'My Brother Best justly observes, that prevention of intrusion upon private property is a right which every proprietor may act upon, and use force to vindicate—the force absolutely necessary for such vindication. If any man intrude upon another's lands, the proprietor must first desire him to go off, then lay hands upon the intruder, then push him off; and if that will not do, call in aid other assistance, before he uses a dangerous weapon. If the proprietor uses more force than is absolutely necessry, he renders himself responsible for all the consequences of the excess. In this doctrine I cordially concur; and admire (I am sure, with him) the sacred regard which our law every where exhibits for the life and safety of man—its tardiness and reluctance to proceed to extreme violence: But my learned Brother then observes as follows—"It is evident, also, that this doctrine is only applicable to trespasses committed in the presence of the owner of the property trespassed upon. When the owner and his servants are absent at the time of the trespass, it can only be repelled by the terror of spring-guns, or other instruments of the same kind." If Mr Justice Best means, by the *terror of spring-guns*, the mere alarm that the notice excites—or the powder without the bullets—noise without danger,—it is not worth while to raise an argument upon the point; for, absent or present, notice or no notice, such means must always be lawful. But if my Brother Best means that, in the absence of the proprietor, the intruder may be killed by such instruments, after notice, this is a doctrine to which I never can assent; because it rests the life and security of the trespasser upon the accident of the proprietor's presence. In that presence there must be a most cautious and nicely graduated scale of admonition and harmless compulsion; the feelings and safety of the intruder are to be studiously consulted; but if business or pleasure call the proprietor away, the intruder may be instantly shot dead by machinery. Such a state of law, I must be permitted to say, is too incongruous for this or any other country.

'If the alternative is the presence of the owner and his servants or such dreadful consequences as these, why are the owner or his servants allowed to be absent? If the ultimate object in preventing such intrusions is pleasure in sporting, it is better that plea-

sure should be rendered more expensive, than that the life of man should be rendered so precarious. But why is it impossible to proportion the resisting force to the obstinacy of the trespasser in the absence of the proprietor? Why may not an intruder be let gently down into five feet of liquid mud?—why not caught in a box which shall detain him till the next morning?—why not held in a toothless trap till the proprietor arrives?—such traps as are sold in all the iron shops in this city? We are bound, according to my Brother Best, to inquire if these means have been previously resorted to; for, upon his own principle, greater violence must not be used, where less will suffice for the removal of the intruder.

'There are crops, I admit, of essential importance to agriculture, which will not bear the expense of eternal vigilance; and if there are districts where such crops are exposed to such serious and disheartening depredation, that may be a good reason for additional severity; but then it must be the severity of the Legislator, and not of the proprietor. If the Legislature enacts fine and imprisonment as the punishment for stealing turnips, it is not to be endured that the proprietor should award to this crime the punishment of death. If the fault is not sufficiently prevented by the punishments already in existence, he must wait till the frequency and flagrancy of the offence attracts the notice, and stimulates the penalties of those who make laws. He must not make laws (and those very bloody laws) for himself.

'I do not say that the setter of the trap or gun allures the trespasser into it; but I say that the punishment he intends for the man who trespasses after notice, is death. He covers his spring-gun with furze and heath, and gives it the most natural appearance he can; and in that gun he places the slugs by which he means *to kill* the trespasser. This killing of an unchallenged, unresisting person, I really cannot help considering to be as much murder as if the proprietor had shot the trespasser with his gun. Giving it all the attention in my power, I am utterly at a loss to distinguish between the two cases. Does it signify whose hand or whose foot pulls the string which moves the trigger?—the real murderer is he who prepares the instrument of death, and places it in a position that such hand or foot may touch it, for the purposes of destruction. My Brother Holroyd says, the trespasser who has had a notice of guns being set in the wood, is the real voluntary agent who pulls the trigger.—But I most certainly think that he is not. He is the animal agent, but not the rational agent—he does not intend to put himself to death; but he foolishly trusts in his chance of escaping, and is any thing but a voluntary agent in firing the gun. If a trespasser were to rush into a wood, mean-

ing to seek his own destruction—to hunt for the wire, and, when found, to pull it, he would indeed be the agent, in the most philosophical sense of the word. But, after entering the wood, he does all he can to avoid the gun—keeps clear of every suspicious place, and is baffled only by the superior cunning of him who planted the gun. How the firing of the gun then can be called his act—his voluntary act—I am at a loss to conceive. The practice has unfortunately become so common, that the first person convicted of such a murder, and acting under the delusion of right, might be a fit object for the Royal mercy. Still, in my opinion, such an act must legally be considered as murder.

'It has been asked, if it be an indictable offence to set such guns in a man's own ground: But let me first put a much greater question—Is it murder to kill any man with such instruments? If it is, it must be indictable to set them. To place an instrument for the purpose of committing murder, and to surrender (as in such cases you must surrender) all control over its operation, is clearly an indictable offence.

'All my brother Judges have delivered their opinions as if these guns were often set for the purposes of terror, and not of destruction. To this I can only say, that the moment any man puts a bullet into his spring-gun, he has some other purpose than that of terror; and if he does not put a bullet there, he never can be the subject of argument in this Court.

'My Lord Chief Justice can see no distinction between the case of tenter-hooks upon a wall, and the placing of spring-guns, as far as the lawfulness of both is concerned. But the distinctions I take between the case of tenter-hooks upon a wall, and the setting of spring-guns, are founded—*first*, in the magnitude of the evil inflicted; *2dly*, in the great difference of the notice which the trespasser receives; *3dly*, in the very different evidence of criminal intention in the trespasser; *4thly*, in the greater value of the property invaded; *5thly*, in the greater antiquity of the abuse. To cut the fingers, or to tear the hand, is of course a more pardonable injury than to kill. The trespasser, in the day-time, sees the spikes; and by day or night, at all events, he sees or feels the wall. It is impossible he should not understand the nature of such a prohibition, or imagine that his path lies over this wall; whereas the victim of the spring-gun may have gone astray, may not be able to read, or may first cross the armed soil in the night-time, when he cannot read;—and so he is absolutely without any notice at all. In the next place, the slaughtered man may be perfectly innocent in his purpose, which the scaler of the walls cannot be. No man can get to the

top of a garden-wall without a criminal purpose. A garden, by the common consent and feeling of mankind, contains more precious materials than a wood, or a field, and may seem to justify a greater jealousy and care. Lastly, and for these reasons perhaps, the practice of putting spikes and glass-bottles has prevailed for this century past; and the right so to do has become, from time, and the absence of cases (for the plaintiff, in such a case, must acknowledge himself a thief), inveterate. But it is quite impossible, because in some trifling instances, and in much more pardonable circumstances, private vengeance has usurped upon the province of law, that I can, from such slight abuses, confer upon private vengeance the power of life and death. On the contrary, I think it my imperious duty to contend, that punishment for such offences as these is to be measured by the law, and not by the exaggerated notions which any individual may form of the importance of his own pleasures. It is my duty, instead of making one abuse a reason for another, to recal the law back to its perfect state, and to restrain as much as possible the invention and use of private punishments. Indeed, if this wild sort of justice is to be tolerated, I see no sort of use in the careful adaptation of punishments to crimes, in the humane labours of the lawgiver. Every lord of a manor is his own Lycurgus, or rather his own Draco, and the great purpose of civil life is defeated. *Inter nova tormentorum genera machinasque exitiales, silent leges.*

'Whatever be the law, the question of humanity is a separate question. I shall not state all I think of that person, who, for the preservation of game, would doom the innocent—or the guilty intruder, to a sudden death. I will not, however, (because I am silent respecting individuals), join in any undeserved panegyric of the humanity of the English law. I cannot say, at the same moment, that the law of England allows such machines to be set after public notice; and that the law of England sanctions nothing but what is humane. If the law sanctions such practices, it sanctions, in my opinion, what is to the last degree odious, unchristian, and inhumane.

'The case of the dog or bull I admit to be an analogous case to this: And I say, if a man were to keep a dog of great ferocity and power, for the express purpose of guarding against trespass in woods or fields, and that dog was *to kill* a trespasser, it would be murder in the person placing him there for such a purpose. It is indifferent to me whether the trespasser is slain by animals or machines, intentionally brought there for that purpose: he ought not to be *slain* at all. It is murder to use such a punishment for such an offence. If a man puts a ferocious dog

in his *yard*, to guard his *house* from burglary, and that dog strays into the neighbouring field and there worries a man, there wants, in this case, the murderous and malicious spirit. The dog was placed in the yard for the legal purpose of guarding the house against burglary; for which crime, if caught in the act of perpetrating it, a man may legally be put to death. There was no primary intention here of putting *a mere trespasser* to death. So, if a man keep a ferocious bull, not for agricultural purposes, but for the *express purpose* of repelling trespassers, and that bull occasion the death of a trespasser, it is murder: the *intentional infliction of death by any means for such sort of offences, constitutes the murder:* a right to kill for such reasons, cannot be acquired by the foolhardiness of the trespasser, nor by any sort of notice or publicity. If a man were to blow a trumpet all over the country, and say that he would shoot any man who asked him how he did; Would he acquire a right to do so by such notice? Does mere publication of an unlawful intention make the action lawful which follows? If notice is the principle which consecrates this mode of destroying human beings, I wish my brothers had been a little more clear, or a little more unanimous, as to what is meant by this notice. Must the notice be always actual, or is it sufficient that it is probable? May these guns act only against those who *have* read the notice, or against all who *might* have read the notice? The truth is, that the practice is so enormous, and the opinions of the most learned men so various, that a declaratory law upon the subject is imperiously required. Common humanity required it, after the extraordinary difference of opinion which occurred in the case of Dean and Clayton.

'For these reasons, I am compelled to differ from my learned brothers. We have all, I am sure, the common object of doing justice in such cases as these: we can have no possible motive for doing otherwise. Where such a superiority of talents and numbers is against me, I must of course be wrong; but I think it better to publish my own errors, than to subscribe to opinions of the justice of which I am not convinced. To destroy a trespasser with such machines, I think would be murder; to set such uncontrollable machines for the purpose of committing this murder, I think would be indictable; and I am therefore of opinion, that he who suffers from such machines has a fair ground of action, in spite of any notice; for it is not in the power of notice to make them lawful.'

ART. IX. *A Vision of Judgment.* By ROBERT SOUTHEY, Esq. LL. D. Poet-Laureate, Member of the Royal Spanish Academy, of the Royal Spanish Academy of History, and of the Royal Institute of the Netherlands, &c. 4to. pp. 110. London, 1821.

THE Laureate has now been out of song for a long time: But we had comforted ourselves with the supposition that he was only growing fat and lazy, like other courtiers—or yielding to the common propensity of placemen, to turn their places into Sinecures. The strain, however, of this publication, and indeed of some that went before it, makes us apprehensive that a worse thing has befallen him:—that his prolific Muse, in short, is at last effete—that his vein is exhausted—and that the worthy inditer of Epics is falling gently into dotage—at least in his poetical capacity. Most of his Laureate productions indeed have pointed pretty plainly to this consummation—but none ever gave such signs as this of confirmed deliration: and it is really a pity that it should be so exceedingly dull and wordy that few voluntary readers can be expected to get through with it; as there is every reason to think that it might afford some instructive views as to the spontaneous decomposition of an artificial poet, and of the tenacity with which his natural propensities adhere to him, after the factitious ornaments by which they were originally relieved have worn off or crumbled into decay. In so far as we can judge, the staple of the piece is a flat and heavy eulogy on Kings and Ministers, and on the Poet himself and his admirers—enlivened, in a sickly way, by the perpetual outbreakings of a puny spite at those who dissent from his present creed in politics, and of a lamentable soreness at the success of those who have laughed at his affectations, or eclipsed, by their superior talents, his former fame as a poet. All this, too, is embodied in the form of a Vision,—which is incredibly absurd and extravagant, without one trait of originality or invention; and, to make it the more gracious, served up in English Hexameters, of which the learned author, by some strange hallucination, continually mistakes himself for the inventor.

One great and avowed object indeed of the publication, is to bring forward this grand and original *Experiment* in English versification; and no small part of it is occupied in extolling its merit and importance. This, in particular, is the chief business of a long and elaborate prefatory dissertation (though it contains, besides, a very edifying discourse on what the Laureate is pleased to call the Satanic School of Poetry, and other things as

notable); and it even forms the leading topic in the author's loyal Dedication to the King, where, among other courtly and complimentary things, his Majesty is asked, 'And to whom 'could an Experiment, which perhaps may be considered here-'after as of some importance in English Poetry, be so fitly in-'scribed as to the Royal and munificent Patron of Science, Art 'and Literature?' We must begin, therefore, with some observations on these precious hexameters.

In the *first* place, then, all the world knows that this is not a measure of Mr Southey's invention—and that English hexameters have been very frequently attempted, from the time of Elizabeth or earlier, down to our own days. Mr Southey himself, indeed, knows this well enough; for he has enumerated some half score of adventurers who have preceded him in this rugged path, beginning with the Virgin Queen herself, and ending with his living friend Mr Taylor of Norwich. What then does he mean by talking continually, and with such visible complacency, of the experiment he has here devised, and of the example he is setting to future generations of versifiers?—summing up the whole with this modest misapplication of the legitimate boast of our first English satirist—

'I first adventure—follow me who list.'

He discovers, to be sure, that these ingenious persons, including Sir Philip Sydney, Gabriel Harvey, Stanihurst, and Fraunce, all bungled the business in various ways, and that he alone knows how to do it effectually; and lays claim, in particular, to two improvements, by the help of which he has no doubt that his patent hexameters will speedily be naturalized among our best English measures. These are, 1*st*, to substitute generally, and by preference, a Trochee for a Spondee, in the ordinary structure of the line; and, 2*d*, occasionally to begin, or even proceed through the four first feet, with an Iambus, or indeed 'any other foot of two or three syllables.' Now, in so far as these departures from the ancient standard are only occasional, though very frequent, it is certain that they occur familiarly in all previous attempts at this sort of metre;—though it undoubtedly appeared to their authors, as we confess it still does to us, that they implied a great defect, and not a perfection, in their execution; and that the necessity which rendered them so frequent, was the most conclusive proof of the inherent unfitness of the language for the measure. The learned Laureate's deviations from his classical model, therefore, have not the least pretension to novelty; and his only claim to originality in the matter, consists in his having done intentionally, what other people never did when they could help it; and in his

opinion, that these voluntary transgressions make his performance much more admirable.

The originality of the experiment, however, is really as little a matter of importance as it can be of reasonable doubt. The only question is about its success—and upon this we really have no hesitation in saying, without reserve or qualification, that we are confident that the hexameter line never can be made a legitimate English measure, and that Mr Southey's pretended improvements serve only, as we have already hinted, to render it more inadmissible. It is idle perhaps, and we really believe it is needless, to offer any other proof of this assertion than will be supplied at once by the *ears* of every reader, learned or unlearned, and by the decisive fact of the long and total abandonment of the attempt (except in a few short exercises of mere curiosity or burlesque), after it had been industriously and vigorously made under the happiest auspices, and in the best age of our poetry. It will not be difficult, however, to explain, in a few words, *why* it appears to us that this particular measure never can be naturalized in our language. *

The primary and fundamental cause undoubtedly is, that our versification does not depend, like that of the classical languages, on any succession of *long* and *short*, but of *accented* and *unaccented* syllables; and the second is, that, upon any system, it contains too few proper spondees to be capable of supporting the movement of this particular verse. The consequence is, as we shall show immediately, that the first four feet of an English hexameter (unless it be entirely Dactylic) really are not in any respect metrical, or different from common prose.

Versification consists in the recurrence of certain marked or conspicuous sounds, at regular and fixed intervals. These intervals are fixed, in almost all cases, by *the number* of separate

* It is truly edifying to observe the very characteristic tone in which the worthy Laureate enters upon the discussion of this dry and somewhat technical subject. Having fretted himself, apparently by the recollection of his critics—whom in a vein of bitter merriment he always calls dunces—he says he has no explanations for them: 'But to the great majority of my readers who will take up the book 'without *malevolence*, and having a *proper sense of Honour* in themselves, will believe the declarations of a writer whose *Veracity* they 'have no reason to doubt, I will state'—What? not, as any one would imagine from this preamble, something touching the learned person's own character or conduct, but—'what are the defects, and 'what the advantages, of the metre which is here submitted to their 'judgment!!' This is putting the *veracity* of an author and the *honour* of his readers in issue with a vengeance!

sounds or syllables of which the series is composed;—but, in the ancient languages, this principle was modified, by taking into account *the time* also which was occupied in the pronunciation. *One long* syllable was, in those languages, *equivalent* to *two short* ones—as in the instance of single and double time in music: And therefore a *Dactyl*, consisting of one long and two short syllables, was considered as equal to a *Spondee*, consisting of two long syllables. It filled exactly the same space in the verse; and, consequently, as long as an equal number of these feet regularly occurred between the commencement and the close of a line, the intervals were necessarily quite regular, the measure unbroken and uniform, and the line properly metrical.

In English, however, as we have already intimated, the verse proceeds not by the succession of long and short, but of accented and unaccented syllables; and, though we are not absolutely without the distinction of long and short in the language, it is certain that it is not upon this distinction that the scheme of our versification is founded—nor is the observance of it at all essential to the technical exactness of our metres. In itself, however, this is no disadvantage or proof of inferiority. It cannot be disputed, that the regular recurrence of accented and unaccented syllables will make just as good verse as of long and short ones; and if we chuse, on a certain analogy or misapprehension, to hold an *accented* syllable in our own tongue, as in some respects akin to a *long* one in the Greek and Latin, and, upon this analogy, to transfer *the names* of the ancient feet and measures to our own plan of versification, there can be no possible harm in calling an accented syllable, followed by an unaccented one, a *Trochee*—one not accented followed by one that is, an *Iambus*—and one accented, followed by two that are not, a *Dactyl*. Nor can it be doubted, that, by the regular recurrence of these feet, so constructed, we may make very good verses; which, on the same analogy, we may, if we please, call Trochaic, Iambic, and Dactylic respectively. In the same way, we may very innocently call two accented syllables, standing together, a *Spondee*, and may even employ this foot also, when we meet with it, in versification, with good effect. So far, all is well and clear. But when we come to construct *Hexameter* verses out of such Spondees and Dactyls as these, we shall speedily find that the laws and the harmony of the ancient metre are not to be transferred into our system quite so easily as their names may be borrowed or assumed.

It is one of the peculiarities of this metre, that, in the first four feet, or in two-thirds of each line, dactyls and spondees may be arbitrarily and indiscriminately interchanged; and this, we conceive, is permitted, merely because those two feet, when

composed of *long* and *short* syllables, are in reality *equivalent* and fill equal spaces—it being obvious to common sense, that one syllable, which takes twice as much time to pronounce as another, is, in point of time or measure, truly equal to two of these others—and that the bars, or intervals of the line, are not at all changed by substituting the one for the other. But an *accented* syllable, though very distinguishable from an unaccented one, is in no respect *equal to two* such syllables, and cannot, in any intelligible sense, be alleged to be their equivalent; —and therefore, the substitution of two accented syllables, or an *English* Spondee, for one accented and two unaccented syllables, or an English Dactyl, is not a substitution of equivalents—like the interchange of one long for two shorts—and will never produce a recurrence of equal or regular intervals in any succession of lines. Single time, in short, may be correctly converted into double time, as a foot may be reduced to inches. But an accented syllable cannot be made up of two that are unaccented, any more than of twenty. There is no fixed relation, in short, either of *number* or *measure*, between syllables that are distinguished only by the presence or absence of accent; and, therefore, any system of versification which proceeds on the supposition that there is such a relation, and that it is identical with that of *long* syllables to *short*, must plainly proceed upon an intrinsic fallacy, and lead necessarily to preposterous conclusions.

If this were less plain upon the principle of the thing, the *fact* would, at any rate, be incontrovertibly established by the slightest reference to the state of all our familiar and native metres. Is it true that, in any known English metre, it is possible to exchange two unaccented syllables for one that is accented?—or is it not true that the verse would, in every case, be totally destroyed by such a substitution? Could we, for instance, in any case, put the words *maintenance* or *abstinence* into verse, in place of the words *maintain* or *abstain?* Is there any ear to which these could respectively appear as equivalents, or any possible conjuncture in which, if the one would make verse, the other would not infallibly mar it? The matter is too plain, indeed, for argument; and it decides the whole question as to the practicability of English hexameters: for it is of the essence of this particular metre that Dactyls and Spondees should be *interchangeable* in the first four places of every line—and that the measure should remain the same, whether the latter part of any foot be made up of one long, or of two short syllables.

We might observe farther, that no legitimate English measure admits of any change in *the number* of syllables that make up the line; while hexameters may vary continually from se-

venteen to thirteen, or even to twelve. It is no real exception to the English rule, that our verse admits occasionally of double endings—the enclitic or supernumerary syllable in this case being always very short, and in truth the mere winding up or revulsion of the voice, without which it is almost impossible, even in common speech, to close a full and emphatic syllable. Neither is there any exception in the case of such words as *heavenly*, *feathery*, *watery*, when used as dissyllables; the fact being, that, when so used in verse, they are uniformly so pronounced, the middle syllable suffering a substantial elision. At all events, it is quite undeniable, and should, of itself, be conclusive of the present question, that, in the whole range of English versification, the place of no *long* or *accented* syllable can ever be bestowed upon one or two short ones. Wherever the structure of the verse requires an accented syllable, *nothing but an accented syllable* can be admitted; and the verse, which would be destroyed at any rate by the substitution of one unaccented, will only be more entirely and palpably dissolved by the intrusion of two. We occasionally drop or crush an accented syllable into the place of an unaccented one, especially in the case of monosyllables:—but we never can displace an accented one, either by one or more that are unaccented. Now, the very principle of hexameter verse is, that a long syllable may at any time be supplanted by two short ones.

Before leaving this subject, it is proper, however, to observe, that if there was no such latitude of interchange inherent in this kind of verse—if all its dactyls and spondees had their places as invariably fixed *through the whole line* as they are in the two concluding feet—or, in other words, if the structure of every line was in this respect necessarily the same with that of every other, it would, we apprehend, be strictly metrical, in spite of the substitution of accent for quantity;—and a certain harmony would result, even in English, from the regular recurrence of expected syllables. It is on this account, indeed, that the two concluding feet are so distinctly felt to be metrical, though, in our opinion, very disagreeably so—for *they* recur regularly and invariably in the same place and relation; and have the effect, and indeed truly the character, of short lyrical lines of five syllables, awkwardly separated from each other by a rumbling and irregular piece of prose:—For the *number* and *order* of syllables, whether accented or unaccented, in the first four feet, is in fact quite indeterminate, and continually changing; and it is nothing but the continual change and uncertainty in the recurrence of syllables of any marked or peculiar description, which constitute the essential character of prose, as distinguish-

ed from verse. The essence of verse is *regularity*; and its true definition is, that it consists in the recurrence, or rather the identity, in respect of certain qualities, of the lines or stanzas of which it is composed; by means of which the ear is enabled to *distinguish* the close of each series of syllables or distinct sounds, and to *anticipate* their return at stated and invariable intervals. It is probable that the original and primary pleasure which we receive from verse, has no other foundation than the gratification of this expectation; and the power of managing the voice and breath which results from our being able to rely on it. A thousand other graces may afterwards be added by association and otherwise. But, considered abstractedly and in itself, we believe that verse is nothing else than the regular recurrence of remembered and expected sounds; and are firmly of opinion, that there is no regular series of marked syllables,—provided it be of a manageable length, and not physically distressing to the organs of speech,—which will not, if often enough repeated to be familiar to the memory and the ear, afford all the gratification which can in any case result from a mere metrical arrangement of words. In order to have this effect, however, it is plain, that the recurrence must be such as we can rely on; and that an English hexameter, in two-thirds of which we know neither what number or what quality of syllables we are to meet with, is destitute therefore of the elementary qualities of verse, and is not in reality in any respect different from prose. *

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* We must not be met here, or in any part of these speculations, with the question, How we account, upon those principles, for the fact of our finding so much harmony in *Greek* and *Latin* hexameters, considering that we pronounce them, not according to quantity, but accent, as we do our own verses?—We will not answer that question here: Because it would lead into a much larger discussion than this which we are about to close. Perhaps we may return to it hereafter, on some more worthy occasion. In the mean time we must beg leave to remark, 1*st*, That it is a mistake to suppose that quantity is as much overlooked in our pronunciation of Latin as of English verses; and, 2*d*, That the infringements we do make on the true metrical structure of Latin hexameters, in our pronunciation of them, are equally subversive of that structure on the system of *accent* as of *quantity*; and certainly are such as to render it a matter of no little difficulty to explain how so much rythm should still be perceived in them. Take the two first lines of the Æneis for example,—

Arma, virumque cano, Trojæ qui primus ab oris,
Italiam, fato profugus, Lavinia venit.

In the first of these, we pronounce both *cano* and *Trojæ* as trochees, though the one is an iambus and the other a spondee; that is, we ac-

We have been longer with this than the thing is probably worth;—but we have a word or two yet to say about English spondees, and the Laureate's preference of trochees in the construction of his hexameters. He says, first, that there are scarcely any English spondees;—indeed, 'that the whole vocabu-'lary of the language does not afford a single instance of a ge-'neral nature, and only *one* of foreign derivation, which is the 'word Egypt.' And then he says, 'the spondee, of course, 'is not *excluded* from the verse; and where it occurs, the effect, '*in general*, is good.' These two passages, which occur in the same page, are not very easily reconciled. If they mean any thing, they must mean, that where *the word Egypt* occurs, it has, in general, a good effect! But let that pass.—The material thing is, that it is quite a mistake to suppose that spondees are so rare in English; and that, by voluntarily preferring the trochee, all the inherent objections to the measure are very greatly increased. A spondee, here, may signify two things, and we are not quite sure which of them the worthy Laureate means. It may signify either two *long* syllables standing together, as in the ancient verses; or two *accented* syllables, as sometimes occur in ours. Now, the English language abounds in spondees of the first description, whether we take dissyllables or monosyllables following each other. Most of our compound words of two syllables are spondees in this sense, and consist of two syllables that are decidedly long, and *equally* long as to quantity, though not quite equally accented. Such are, *abstain*, *absolve*, *conclude*, *dissuade*, *missent*, *maintain*, *murmur*, *twilight*, *uproar*, and hundreds of others. It is to this class we think very plainly that the word *Egypt* belongs, being a *spondee* as to time or quantity only, but a *trochee* as to accent; and the proof is, that in verse it always stands for a *trochee*, and never can stand for an *iambus*; though all accentual spondees are indiscriminately used for either. Milton, for instance, closes a line with, 'In Egypt's

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cent the first syllable of each of those words, though the verse, *even according to the system of accents*, requires them to be unaccented; and leave the last syllables unaccented, which ought to be the reverse. In the second line, we commit still more flagrant breaches even of accentual prosody. In *Italiam*, we accent the second syllable, which should be unaccented, and put no accent on the last, where the verse requires it. And in the same way we omit the accent on the last syllable of *fato*; and place one on the first of *profugus*, where it is quite inadmissible,—and none on the last, where it is necessary. It is in vain, then, to say, that our way of *pronouncing* Latin Hexameters justifies the Laureate's method of writing English ones; since even he could not pretend to introduce such feet as would result from our pronunciation of the classical lines we have just quoted.

evil day;' just as he would have said, 'In England's evil day;' but he could no more have said,

'Survey mankind from England to Egypt,'

than from 'Egypt to England.'

But though we have the proper classical spondees of quantity in considerable abundance in our language, they are truly of no account in our versification; which not only does not proceed on quantity, but disregards it entirely in the construction of our metres, which depend upon accent alone. It is of more consequence therefore to observe, that we have also accentual spondees, though certainly in less abundance. The habit of our pronunciation is such, that there is not perhaps any *one word* of two or more syllables, in which two equal accents will be found standing together; and accordingly, as we have just observed, all proper spondees of quantity are pronounced, as to accent, either as *trochees* or *iambs*. But this habit does not extend to our *monosyllables;* and two of those may often stand together as correct spondees, both as to accent and quantity. The truth is, that three-fourths of our monosyllables are long as to quantity, and nearly one half are also accented in ordinary speech. Any monosyllabic noun and adjective which we find put together in a common spelling-book, will afford proof enough of this—*good ale—vile slave—sound law—old fool—round ball—fair play—sweet child*, and so forth, are all perfect spondees both as to quantity and accent; and might be so used in verse, if any of our measures required or admitted them. No English measure, we think, either does or can require them. But they all admit them in a manner, and with some little slurring and modification. When Pope's Eloisa says,

'Curse on *all laws* but those which Love has made,'

the words 'all laws' are a perfect spondee as to quantity, and very nearly so as to accent, though crushed, in common reading, into something of an iambic fashion. In the same way, when he begins his Universal Prayer,

'*Thou first Great Cause, least un*derstood,'

the first six syllables make three pure spondees; and the better they are read, the more truly spondaic the feet will appear; though those who *sing* or *scan* in their reading (as they are said to do at the Lakes), may distort them, more or less, into the likeness of iambi. There will always indeed be a little leaning to an unequal accentuation in verse, because we have no verse that *requires* a spondee in any of its places; and we draw therefore upon the iambic or trochaic accentuation for the purposes of adaptation. Yet it is not the less true, that all these pairs of monosyllables are perfect spondees in themselves, and would be

best used as such, if we had any verse that required them: and the proof of this is, that they are all *equally* capable of being used either as Trochees or Iambi, as the case may be; and that, in both cases, there is a sensible, though opposite deviation, from the true neutral prose accentuation. Thus we may say, either

'Broke *ā̆ll law̆s* through, in plenitude of pride;' or,

'Broke through *ă̄ll law̆s* in plenitude,' &c.

But the natural and just accentuation is as a perfect spondee; and so it is always given in prose, where there is no metre that requires accommodation, as if we were to say—'Infringing, in the plenitude of his pride, *all laws*, both human and divine.'

It thus appears, that there is no such penury of spondees in the language as the worthy Laureate seems to imagine; and that if he had not felt that this foot was alien to the genius of our versification, he might have found a reasonable number of them to grace the present attempt. But if it be alien to *our* system of verse, it is native, and indeed indispensable to the Hexameter measure; and thus proves that measure to be truly impracticable in our language.

The prevalence of monosyllables in that language is also an impediment to its adoption. The Laureate himself indeed has actually discovered this, though he is quite mistaken, after all 'his long and diligent study, and long and *laborious* practice of the art of versification,' as to the principle upon which it depends. He says, that, by the frequent recurrence of monosyllables, 'the verse is resolved and decomposed into its com-'ponent feet, and the feet into their component syllables, in-'stead of being *articulated* and *inosculated* throughout, as in the 'German, Greek, and Latin measures.' We cannot say we perfectly understand this. But it is plain that, upon the principle here insinuated, the prevalence of monosyllables would be a disadvantage in *every species of metre* as well as that now in question, and would prove merely that the English was an unmetrical language, and not at all that it was peculiarly unfit for hexameters. But the truth is, that the English is remarkably rythmic and metrical; and still it is true that it is unfit for hexameters, and unfit, in part, from its abundance of monosyllables: And the reason, after what we have already said, is sufficiently obvious—the accentual spondee, in its perfect form, is scarcely admissible into our verse; and our monosyllables, which form the greater part of such spondees, are habitually crushed into trochees and iambi, as the measure may require. In our known and established measures, we instantly feel into which of these forms we are to crush them; and are in no perplexity about

the matter, because, in these measures, the places of all the feet are invariably fixed. But in *hexameter* verse, the first four places are not at all fixed; and when we meet *there* with a string of monosyllables, we have no 'preestablished harmony,' nor fixed canon, to guide us in the accentuation to which we should incline; and therefore necessarily stumble on, in undecided and most unmetrical confusion. The only remedy for this would be, to endeavour, as the first contrivers of English hexameters seem to have done, to avoid the necessity of any deviation to the one side or the other, by keeping as closely as possible to the true spondaic accentuation. But the Laureate openly renounces this, and tells us plainly, not only that he generally chuses to accent them as trochees, but that he uses 'any foot of two or three syllables' in the four first places. With this utter uncertainty as to the accents that may be required, it is plainly altogether impossible for any reader to know how to deal with these ambiguous monosyllables, to which the Laureate is thus peculiarly averse to leave their proper spondaic character.

What we have just said may suffice, perhaps, to give a notion of the value of his alleged improvements on this intractable metre. But a word or two may be added. The radical objection is, that our verse being founded on accent, and not on quantity, admits of nothing of the nature of a spondee, *equivalent* in *time* or metrical quantity to a dactyl. It has been shown, however, that we *have* true spondees, both as to time and accent, in our language; and the only chance, therefore, of naturalizing this metre, plainly was by familiarizing our ears to them in both capacities, and endeavouring to make quantity be recognised as an element of our verse,—by means of which alone the *equivalency* of dactyls and spondees could ever be established. This, accordingly, seems to have been the aim of those who first attempted to introduce hexameters in our tongue; and, though we think the attempt was hopeless from the first, we must say that they took the only chance of success. But this chance the worthy Laureate has wantonly thrown away; and, by entirely renouncing all reference to *quantity* in his verses, and even preferring the (accentual) trochee to the (accentual) spondee, has manifestly multiplied the objections to which this favoured metre was intrinsically liable. One long syllable, where length is the characteristic of verse, may be equal to two short ones; nay, one accented syllable may, by possibility, be conceived to bear some sort of equivalency to two unaccented. But it passes all power of comprehension to imagine, how one unaccented syllable can ever be equal to *two of the same descrip-*

tion: And yet this is the only equivalency that can possibly subsist between a trochee and a dactyl. The one consists of an accented syllable followed by an unaccented one, and the other of an accented syllable followed by *two* unaccented. In short, a trochee is just a *part* of a dactyl, or a dactyl with the last syllable cut off; and therefore, until a part can be shown to be equal to the whole, we conceive it to be plain, that those feet never can be regarded as equivalent, or be interchanged in verse, without an entire violation of its structure. It follows as another objection to this innovation—if minor objections were now worth noticing—that it makes the whole movement of the verse (if any verse could be recognised) dactylic and monotonous—contrary to the true genius of the hexameter.

We will only add, in closing this long and, we fear, very tedious discussion, that the uniform double endings of the English hexameter would, of itself, be an insuperable objection to its admission in serious poetry. We do not object to double endings in themselves; but in our language, and in consequence of associations that are now unalterable, they are too much of a lyrical character; and, especially when they close a verse, the general movement of which is dactylic, have a singing and dancing cadence, which is scarcely admissible in the more solemn strains of poetry, and would be absolutely intolerable if constantly repeated in any long and serious work. The definition, therefore, of the English Hexameter, is, that it is a mass of stiff prose ending in a trivial, lyrical cadence of five swift syllables —that two-thirds of it are not verse at all—and the remaining third a very poor and bad verse: And therefore we are of opinion, that the attempt now made to revive it is a piece of solemn foppery, perfectly worthy of the author—but not very worthy of the notice we have here compelled our readers to bestow on it.

Having said so much of the manner of this poem, we can afford to say but little of its matter, except that the one is worthy of the other. It would not be fair, however, not to allow our readers to judge a little of both for themselves.

The first Canto or Section is called 'The Trance;' and sets forth that the Laureate, standing at his parlour window at Keswick, looking out 'pensively but not in thought,' at Glaramara, Bleacrag, Grizedal, and other interesting places, hears the bell toll for the death of the late King; and instantly falls into a sort of trance, which is thus charmingly described—

'If from without it came, I knew not, so sudden the seizure;
Or if the brain itself in that strong flash had expended
All its electric stores. Of strength and of thought it bereft me:

Hearing, and sight, and sense, were gone; and when I awaken'd,
'Twas from a dream of death, in silence and uttermost darkness;
Knowing not where or how—nor if I was wrapt in the body,
Nor if entranced—or dead.' p. 3.

In this anomalous, extramundane state, however, he bethinks himself, very properly, of saying his prayers—and then he hears a voice—

'O son of the Muses!
Be of good heart, it said, and think not that thou art abandon'd;
For to thy mortal sight shall the Grave unshadow its secrets,' &c. p. 4.

So he takes comfort, and begins to look about him—(we are now in the second Canto, called 'The Vault')—and finds himself in a low vault, full of coffins covered with velvet and gold fringe and embroidery, all very fresh, he assures us, and unfaded. Though the place was small, and without window or lamp, it was also very light, and full of pleasant air—so that he found himself very comfortable:—But then he hears music, and grows dizzy,—and sees the roof melt away,—and the King appears, standing on the pavement in a cloud. We come then to 'The Awakening'—and the King prays very devoutly;—and then Mr Perceval comes and makes his obeisance,—and the King says, 'Thou here? Thou, Perceval, summoned before me?'—And then he asks the news—how the Prince was behaving, and if there was peace or war—and if the people were quiet yet, or still discontented? To all which the ex-minister makes suitable and courtly answers, with which the King is well satisfied. To the last inquiry, indeed, his response is not altogether so consolatory; for the people, he says, are still rather seditious, and he is afraid that something worse than usual is in preparation; as the ghosts of Robespierre and Danton have been lately seen in close consultation with those of Despard and Guy Faux! As some readers may not believe that any thing so truly burlesque could really be written on such an occasion, we give a few lines of the precious original.

'Some nascent horror they look for,
Be sure! some accursed conception of filth and of darkness
Ripe for its monstrous birth. Whether France or Britain be threaten'd,
Soon will the issue show; or if both at once are endanger'd:
For with the ghosts obscene of Robespierre, Danton, and Hebert,
Faux and Despard I saw. p. 11.

The next Canto is 'The Gate of Heaven,' at which we have a view of the New Jerusalem, with its towers and cupolas. Then an angel stands on the top of the gate, and proclaims—

'Ho! he exclaim'd, King George of England cometh to judgment!
Hear Heaven! Ye Angels, hear! Souls of the Good and the Wicked
Whom it concerns, attend! Thou, Hell, bring forth his accusers!' p. 13.

And so we are introduced to 'The Accusers,' and the Spirit of Sedition comes forward, with many tongues and ears, like a bad imitation of Virgil's Fame.

'And in the hubbub of senseless sounds the watchwords of faction,
Freedom, Invaded Rights, Corruption, and War, and Oppression,
Loudly enounced were heard.' p. 17.

—and being called to produce his advocates, he hounds out the ghosts of John Wilkes and Junius,—who both, however, stand chop-fallen and confounded in the Royal presence, and are swept away with the whole array of 'the hircine host obscene,' into sulphureous darkness—on which the inspired Laureate exclaims,

'Sons of Faction, be warn'd! And ye, ye Slanderers! learn ye
Justice, and bear in mind that after death there is judgment.' p. 20.

Then come 'The Absolvers,'—who are all, however, as silent as the accusers—except George Washington, who is made to utter such sense and poetry as follows.

'In the course of events, to thee I seem'd as a Rebel,
Thou a Tyrant to me; . . . so strongly doth circumstance rule men
During evil days, when right and wrong are confounded.' p. 23.

After this we get on to 'The Beatification,' when the King drinks of the well of life, and grows young and beautiful—and then is introduced to 'The Sovereigns,' under which title we hear of five or six of the English monarchs—somewhat strangely selected—and characterized in the most feeble, jejune and spiritless manner. The first are King William and King Charles—then Elizabeth, Edward, Richard I. and Alfred. All these are despatched in three pages—and some, indeed, in as many words. All that we have of King William, for instance, is—'Nassau the Deliverer, him I knew,'—and of Elizabeth—'Thou too, O matchless Eliza, Excellent Queen, wert there!'—and this is the style in which Alfred is consigned to immortality in this Laureate strain.

'Alfred than whom no Prince with loftier intellect gifted,
Nor with a finer soul, nor in virtue more absolute, ever
Made a throne twice-hallow'd, and reign'd in the hearts of his people.
With him the Worthies were seen who in life partook of his labours.' p. 32.

After the Sovereigns come 'The Elder Worthies,' of inferior rank,—portrayed with as fine and vigorous a pencil. Bede,

Friar Bacon, Wycliffe, Chaucer, Cranmer, Cecil, Shakespeare, Spenser, Milton, Taylor, Marlborough, Newton and Berkeley. This curious selection is canonized in two pages. Marlborough is most praised—

'Alike in all virtues accomplish'd,
Public or private, he, the perfect soldier and statesman;'—

and here is all that is said of Shakespeare—

'And Shakespeare, who in our hearts for himself hath erected an empire
Not to be shaken by Time, nor e'er by another divided.' p. 34.

No sixpenny biography for the use of preparatory schools, indeed, could be more flat or meagre than the whole of this puerile phantasmagoria. We get on next to 'The Worthies of the Georgian Age:'—that is, Wolfe, Cook, Handel, Reynolds, Hogarth, Wesley, Lord Mansfield, Burke, Hastings, Cowper and Nelson. They have about three lines a piece—in this taste and spirit—

'And Burke I beheld there,
Eloquent statesman and sage, who, tho' late, broke loose from his trammels,
Giving then to mankind what party too long had diverted.' p. 37.

Last of the celestial party come 'The Young Spirits,' scarcely any of whom are named—although the poet elegantly declares—

'Yet some I beheld there,
Whom should I *pretermit*, my heart might rightly upbraid me.'
p. 39.

And then he specifies Chatterton, Bruce, Russell, Bampfylde and Kirke; and, *a propos* of Chatterton, breaks out into this beautiful apostrophe to the city of Bristol.

'Bristol! my birth-place dear. What though I have chosen a dwelling
Far away, and my grave shall not be found by the stranger
Under thy sacred care, nathless in love and in duty
Still am I bound to thee, and by many a deep recollection!
City of elder days, I know how largely I owe thee.' p. 42.

The weary strain closes at last with 'The Meeting.' The venerable monarch rejoins the souls of his family, and they all enter the heavenly portals. The poet wishes to follow them.

'As the happy company enter'd
Thro' the everlasting Gates; I, too, press'd forward to enter:...
But the weight of the body withheld me.' p. 45.

He then stoops to taste of the immortal fountain, but falls back as he touches it—and suddenly awakes among the Westmoreland mountains; where, instead of heavenly music, he hears nothing but 'the bell from the tower toll, toll!' We are too happy to be done with him, to think of adding a word more.

ART. X. 1. *Memoirs of the Life of the Right Honourable William Pitt.* By GEORGE TOMLINE, D. D. F. R. S. Lord Bishop of Winchester, Prelate of the Most Noble Order of the Garter. Second Edition. 3 vols. 8vo. pp. 1631. London, Murray. 1821.

2. *Two Letters from Mr Adair to the Bishop of Winchester, in Answer to the Charge of a High Treasonable Misdemeanour brought by his Lordship against Mr Fox and Himself.* pp. 87. London, Longman. 1821.

3. *A Reply to the Charges of R. Adair Esq., against the Bishop of Winchester.* pp. 55. London, Rivington. 1821.

WE are not sufficiently removed by time from the extraordinary person whose life forms the subject of this work, to attempt an estimate of his merits with any great confidence in its impartiality. The scenes in which he acted so conspicuous a part are indeed fast vanishing from the view,—thrown by others into the shade, rather than obscured by distance: But many still remain who profess to be his successors, and who were, in some respects, his associates, though in very humble characters. Their claims to notice, they are well aware, rest entirely on their connexion with him; and they have accordingly used his name as a rallying point to collect men who have no principles in common, nor any bond of union—except inherent similarity of pursuit, and the accidental circumstance of having once served together under him. It becomes difficult, therefore, to speak of Mr Pitt without a reference to the policy and the politicians of the present day; and, even if we shall succeed in estimating his claims to the gratitude of the country with perfect freedom from any bias, it is very certain that no party will give us credit for such impartiality. The circumstances which make it so hard for the writer to be unprejudiced, render it quite impossible that he should find a generation of candid readers; and he is far more likely to displease all classes, than to satisfy any. With this deep sense of the difficulties of the task we have undertaken, we should probably have been tempted to abandon it as hopeless, were there not some encouragement in the reflection, that aftertimes may be aided in forming their more calm judgment, even by the conflict of opposite doctrines in the present day; when, if placed too near the subject for correctness of opinions, we are certainly better situated for accurate knowledge of the facts.

In entering upon this most debatable subject, we are naturally anxious to find, if possible, some point from which debate may be excluded—some axiom—or at least some scarcely deniable postu-

late on which to build our conclusions: And this, it appears, will be found, if at all, rather in contrasting Mr Pitt's different merits with each other, than in comparing him with his rivals or his predecessors. Thus it is undeniable, we think, that he was far more excellent as a Debater than as a Statesman. Whether or not he had superiors in eloquence among his contemporaries; how far he fell short of the exquisite models of ancient oratory; what portion of his rhetorical fame he owed to the accidental circumstance of Place, or the hardly less trivial merit of voice; in what proportions a careful analysis would lead us to distribute our admiration between the Parliamentary tactician and the Orator; and whether we are entitled to extol his genius or only his abilities in this kind—are questions that may divide men's opinions; as they will also be inclined to dispute upon the skill, the integrity, and the tendency of his measures. But we believe it may with all safety be affirmed, that, even in the present times, no difference of opinion worth mentioning prevails respecting the vast superiority of the Speaker to the Minister. Hardly any two rational men could be found to dispute what was Mr Pitt's distinguishing excellence—his *forte*. Upon this, friend and foe will at once join: and point to him in his place as a first-rate Parliamentary leader: And probably, taking all the qualities together that go to form the character—eloquence—address—decision—discretion—he was the greatest ever produced in this, the only country where such a character is known. It is indeed marvellous to look back and observe how large a space he fills in the capacity of a debater, and into how narrow a compass his measures have already shrunk. But a little reflection easily explains the diversity. He was hurried into public life prematurely; and, though an orator may be forced, a ruler must grow. A young man of talents, whose studies have been sedulously pursued, may, at a very early age, attain all the accomplishments which enable natural genius to take the direction of eloquence. No great experience is required to mould this into the shape that suits any given assembly. Little more is wanting to carry him thus far, than can be learnt from books; but a very different study, and far longer experience, is necessary to make even the most sagacious person an able councillor in difficult emergencies; and it cannot be doubted, that the discipline requisite for this purpose is materially interrupted by the war of words, the habit which it begets of regarding every thing as a matter of discussion, and the tendency which it encourages to act with a view to the defence of measures, rather than their success.

It is probable, that a much greater variety of opinion will be formed upon the character of his eloquence, than upon the su-

periority of his talents as a Parliamentary leader. Upon his own greater excellency in that than in any other capacity, there can exist little doubt. But it does not follow, either that he was the first orator of his age, or that oratory, properly so called, was his own highest merit. His eloquence was of a kind peculiarly adapted to the situation which he filled so long: He was stately and dignified in manner; clear and distinct in unravelling the details of the most complicated subject; declamatory at once and argumentative, so as to furnish the best pretexts to those who wished to follow him, while he cheered and encouraged those who might be in dread of his adversaries; but, above all, he excelled in the use of both topics and language with a view to produce the effect he desired, and never commit himself; he could balance his expressions so nicely—conceal or bring forward parts of his subject so artistly—approach, and yet shun dangerous points so dexterously—often seeming to say so much while he told so little, and almost always filling the ear more than the mind, and frequently leaving it doubtful upon reflexion, what had in substance been carried away—that a celebrated contemporary was scarcely chargeable with exaggeration * in saying, that 'he verily believed Mr Pitt could *speak a King's Speech off hand.*'

To these qualities, so eminently fitting him for a Ministerial orator, he added others of a higher description. His fluency of language was almost preternatural, and yet it never grew tiresome; for though it seldom rose to any great beauty, yet it was generally characteristic and appropriate; and from time to time it did contain expressions of more than ordinary felicity, if, at its common level, it too much resembled the diction of a State-paper. He was rather loud and vehement than impassioned; and appeared to declaim more from the head than the heart: But then he reasoned closely, and arranged both quickly and accurately; or at least he seemed to be always arguing and distinguishing, and to address the understanding rather than the passions, over which he hardly had any other control than that which subjects the nerves of an audience to a sonorous and most powerful voice, itself under strict discipline. In one part of eloquence, and only in one, could he be deemed an orator of the highest genius: His sarcasm was at once keen and splendid; it was brilliant, and it was concise. In the rest of his speaking he resembled the Italian prose writers. In this he came nearer Dante; and could dispose of an adversary by a sentence or a single phrase; or, without stepping aside, get rid of him in a parenthesis, and then go forward to his object,—thus increasing

* Mr Windham.

the contemptuousness of the expression by its brevity and indifference, as if his victim had been too insignificant to give any trouble.

In viewing the opposite side of the picture, we must distinguish between defects and faults. That he had very little fancy, and no pathos; that his language was not pointed or epigrammatic; that his wit was never playful, and seldom aided his argument, being pointed towards his antagonist, and not his subject, is undeniable. But nearly the same deficiencies are to be found (except the last) in the greatest orator of ancient times, and are reckoned rather peculiarities which characterize, than imperfections which detract from, his prodigious merit. But Mr Pitt's diction was not of the highest or the purest kind; it was neither learned nor natural; and his style was extremely wordy. He could not arrive by a short and simple path at his point; he did not go by the straight line; he did not say the thing at once, but spoke about it and about it, and rounded off sentences which sometimes touched it, but at others only came near it. In throwing out finished periods, he had indeed a wonderful facility; and the listener could hardly conceive how any one should produce such composition at the call of the moment. But much of the merit consisted in this feat; and the same sentences, if written, would have excited no admiration as mere composition. It is a fault of more importance, that he rarely took an original or commanding, or even an ingenious view of a subject. But for a classical quotation, or an allusion to some part of English history, which now and then occurred, he might never have read any thing beyond the Parliamentary debates and papers upon the table; nor did it seem as if the train of his thoughts ever led him beyond those subjects of contemplation. Though singularly distinct in the exposition of facts, and equally clear and extremely skilful in stating the terms of a question, his powers of reasoning at close quarters were by no means distinguished; and though he always charmed the hearer, he seldom overpowered him with that resistless torrent which makes the speaker and the speech be forgotten in the subject.

Mr Fox's great superiority lay in the fulness of his matter; the large and original views which he took; the ingenuity of his illustrations; the flow of playful wit which always made a part, and often the most effectual part of his argument; the admirable closeness of his reasoning, and the vehemence with which he poured forth his whole feelings, as well as his thoughts;—and this abundance of matter it was that overcame all defects of voice and manner, and made his habitual carelessness, and hesitation of speech in some passages, only give the

advantages of contrast to others, and relief rather than injury to the whole. It is most worthy however of remark, that, as in their character and conduct, so in their eloquence, neither of those great men had any faults of a mean or paltry kind. They spoke not for the sake of display, but to gain some important object; and their taste had nothing puerile or affected. Hence perhaps it is, that they both rather avoided than wanted the epigrammatic point so common in other orators, and which, though a beauty certainly in style, as well as a help to argument, when moderately used, is very apt to overrun the composition, and usurp the place of more grand and simple excellences. This, however, may justly be deemed an ornament more suited to the artificial manner of Mr Pitt, and rather to have been expected in him than in his illustrious antagonist, to whose extreme simplicity it appears abhorrent. They were both thoroughly imbued with the spirit of ancient eloquence, having drunk deeply at its perennial fountains; and if they only profited by the refinement of taste which is derived from an intimate acquaintance with the poets and rhetoricians of antiquity, and did not, especially Mr Fox, form themselves upon the model of the Greek or Roman orators, we should rather admire this as an additional proof of their original excellence, than question their profound and accurate learning, or doubt their having fully appreciated the transcendent merits of the fathers of the art; well assured that they can only be imitated by speaking, not as they spoke in their own day, but as they would have spoken in ours.

It is not to be doubted that Mr Pitt, though from the first fitted for his station by habits of composure, method, self-command, fluency of speech, quickness in seizing, and dexterity in pursuing an advantage, was, by its continued duties and manifold facilities, prodigiously improved in those official qualities; while Mr Fox's defects as a leader might principally be traced to his long exclusion from power, and to the openness and warmth of his temper. We are not here alluding to the personal influence of the two men; for, in that particular, there is no comparison; no statesman, without patronage at home, and power abroad, ever possessed any thing like the individual authority which Mr Fox had during the last twenty years of his life, both in his own country and among foreign States. But we speak merely of the skill and management in debate which Mr Pitt had acquired beyond any other party chief; and he certainly owed it, in a great degree, to his long experience as a minister, as well as to his natural talents, and the coolness, not to say coldness, of his temperament. When his situation was changed, he was not so versatile as his adversary; and

the all-powerful defender of measures proved by no means so formidable an assailant. A little more practice would probably have removed this inequality; but the talents of an opposition leader he made little account of, and would never give himself time to acquire. Had he chosen to remain out of place, we might soon have said of him, as we now do of Mr Fox—'Lateribus pugnans, incitans animos; acer, acerbus, criminosus;'—while on the other hand, perhaps, a length of ministerial habits might have transferred to the latter some of the peculiarities of his adversary, and enabled us to say of him—'Erat in verbis gravitas, et facile dicebat, et auctoritatem naturalem quandam habebat oratio.' (*Brutus*, 62.)

In passing from the Orator to the Statesman, we may remark, that though a much greater diversity of opinion may be expected, yet there can be little hesitation with regard to the fundamental objection which is applicable to his whole conduct; the want of those great and commanding views of policy, boldly formed, and steadily pursued, whereby a vast and original genius for state affairs is evinced. Mr Pitt never went before his age; he rather lagged behind it; and we shall in vain look to the history of his administration for traces of a master mind. He seems to have taken his principles from others, and only busied himself with contriving or arranging the details, and presenting the results in a plausible form to the public. Nineteen years in power such as no minister of this country ever before possessed; nearly half the time in profound peace, and in as great favour with the People as with the Court—how could a man of genius leave so little to claim the gratitude, or even arrest the attention of posterity? It seems impossible to avoid concluding, either that his talents were unequal to such high exertions, or that they lay in another direction. It seems as if he had rather been employing all his faculties in preserving the power he so prematurely acquired, than seeking to use that power for the benefit of mankind, and the illustration of his name in after ages. Nor did he, generally speaking, attempt the accomplishment of his plans, whatever might be their merits, with that disregard of consequences to his own power, which alone commands success, and alone deserves it; distinguishing the lofty ambition of a patriot statesman from the buoyancy of a courtly intriguer.

The admirers of Mr Pitt's conduct are apt to take their stand, first of all, upon his Financial measures. Nor can it be denied that there is here somewhat to commend; for he introduced a variety of improvements in the collection of the Revenue; he simplified exceedingly the management of the permanent branches of it; and he showed, for once in the history of

taxation, that the produce of an impost may be increased by diminishing its amount. But what a minute proportion do these, his very earliest measures, bear to the whole course of his financial administration, which, in almost every other part, was a series of mistakes or of popular delusions! Leaving out of view, for the present, that system of wasteful extravagance, the only systematic scheme of which he is the author, and the portion of his policy which his successors have the most scrupulously followed; supposing that all the immense expenditure by which he has crushed down the country was necessary; and that the only question was, whether the best means were adopted to provide for it—we shall vainly seek, in any other age or nation, for specimens of taxes more flagrantly violating every sound principle, or of expedients for raising money more improvident, and even pernicious, than those presented by the course of shifts and devices which he employed to carry on the War with France.

For some years he went on, chiefly by increasing the old duties, and without any selection as to their pressure, either upon the poorer classes, or upon that fund which alone forms the legitimate source of all revenue, the produce of capital and labour. Those which he raised highest fell upon the necessaries of life, as the Salt-duties, which he began by doubling; or upon the transference of property, and, we may add, upon distress and embarrassment, as the Stamp-duties; or upon commercial intercourse, as the duties on tolls and carriage of parcels,—which indeed he was forced to abandon immediately, but only from finding it impossible to collect them. The taxes which he added to those handed down to him by his predecessors, were among the worst that can be imagined. Some of them fell at once upon capital, as the Legacy-tax; others, upon necessaries and labour, even more directly than such impolitic imposts usually do—for example, the duty on candles. Then he relied, at one time, upon a renewal of the Bank Monopoly, twelve years before it expired; at another, upon obtaining from the East India Company sums which it could not pay without getting as much back in some other shape immediately after. One year, his resource was to beg voluntary donations from those whom he had alarmed with the fears of Revolution and invasion; and the next, he would open a loan, which the Loyal portion of the community were first extolled to the skies for taking with all its risks, and then indemnified when it became a losing concern. Shifts and expedients appearing to be exhausted, he then professed to bring forward a new system of finance, upon solid principles; —and it turned out to be the clumsy and cruel plan of trebling

at once the old assessments. This *invention* was to produce seven millions, at the lowest, and after making the most ample allowance for evasions and other deficiencies,—eight being the sum he really expected, but only four and a half were raised. At length came the most desperate resource of unskilful financiers, when all fair ways and means fail—a direct tax upon income, which was to cover every deficit, with a revenue of ten millions, and being so contrived as to be at once oppressive and unproductive, yielded in his hands little more than half the sum; though his successors, with somewhat more of ingenuity and contrivance, made it the most gainful as well as intolerable duty known in modern times.

Amongst all these expedients to raise money, and prop for a season the credit of the country, not once did he ever seem to reflect on the great revenue, and still greater security to be derived from economy. His reforms, many of which deserve high commendation, and proved effectual even beyond his hopes, were all in the collection of the taxes, never in the expenditure. He could not face the clamour of reduced placemen and fairly paid contractors; nor durst he, with the country in his favour, and the Court dependent upon his support, through the influence of real or fancied dangers, ever place among his ways and means such retrenchments as might relieve the nation's burthens at the expense of the Crown's patronage. His reforms in the Revenue departments were, indeed, attended with a large increase of direct influence to the Treasury, which, under his administration, monopolized the patronage of the Boards. But it must be added, that he left to his successors the discovery of a right in those Boards to compensation for this loss. With all his extravagance, and his facility towards jobbers, the author of the Bonus to the Loyalty Loan contractors could not strike out any thing to match those who have since increased the salaries of public servants, as a compensation for patronage transferred to the Government.

But the measures of finance by which Mr Pitt will be the longest remembered, are the Sinking Fund and Depreciation of the Currency. The former was his favourite measure; he gloried in having raised a column to support public credit for ever; a column, upon which he desired that his name might be inscribed as the only reward of all his labours. It seems now pretty manifest, that this remuneration will not be very ample; but during his life, and for some years after, the opinions of men were very generally in favour of the Sinking Fund. That the plan was not originally devised by him, but adopted from Dr Price's calculations, we account very little detraction from his merit; for assuredly the step is great which a statesman

makes, when he embodies the ideas of ingenious and speculative men in a substantive measure, and carries it into execution. Nor does it seem possible to have arranged the details better than he did, or to have given more effect to the scheme in its practical operation. But no one who considers the question, now entertains a doubt that a Sinking Fund, during war at least, while new loans are contracting, is arithmetically absurd; and that a large actual loss has been incurred by the country, from adhering to the plan in those circumstances. An objection exists, too, of a more radical nature, and applicable to such a plan even in time of peace, at least where the sums yearly raised to support the fund are considerable. The capital accumulates at compound interest only, when in the hands of the Government, doubling in fourteen years. But if left in the hands of private persons, its accumulation would be far more rapid; and, by increasing the income of the community, would enable a skilful government to augment the revenue, or pay off the debt more expeditiously, and with less burthen to the people. It can hardly be questioned, then, that the renown anticipated by Mr Pitt from this achievement, will be of a very doubtful character in after ages, if indeed the structure which records it should have any considerable duration. The other great measure for saving the country and securing its credit, the Stoppage of the Bank and Depreciation of our Currency, has already been the fruitful source of incalculable misfortunes, and, followed by the restoration of that currency in a moment of general delusion, promises to prove at all events as *lasting* a monument as any statesman ever raised to perpetuate his name.

Educated as Mr Pitt was in the doctrine of the most improved economical systems, and possessed of enlarged and liberal views upon all subjects, it was impossible that he should fall into the gross errors of his narrow-minded predecessors, in matters of commercial policy; and where his financial operations ran counter to the true interests of trade, we must not impute the error to ignorance. He knew better than he could venture to act,—placed as he was in the necessity of obtaining money at all hazards, and averse to alarm those domestic powers on whose support he chose far too implicitly to rest his official existence.

But if a lavish expenditure, ever driving him to shifts, was the vice of his internal administration, the cause of his extravagance lay in those errors in his foreign policy, about which there can hardly be two opinions. As a leading statesman in the close of the eighteenth century, he must be judged by his conduct with respect to the French Revolution, and the wars which it occasioned. His capital mistake in relation to both, was the never forming a clear and decided plan of operations, consistent in itself, and

pointing to some definite and attainable object. He met the Revolution at first with an indifferent, if not a friendly disposition; and when, as his adherents say, from its aspect being changed, or, as his adversaries assert, from the temptation of dividing them, and securing the favour of the Court, he became hostile to France and her revolutionary government, he carried on his operations so as to ensure their failure,—because he never attacked the new order of things with the force derived from an alliance with the old, and because he made war upon her by a multitude of detailed and insignificant operations, in which success was unavailing and defeat fatal, instead of attempting to strike some one great and decisive blow. He thus reaped all the disadvantages of every plan in combating the Revolution—opposed by the energies of the country, as if he had been fighting under the White flag and the Lilies; distrusted by the royalists, as if he had borne the tri-coloured cockade; exhausting the resources of Europe, as if he had embodied all her powers at once in general array; and sacrificing her by piecemeal to the undivided strength and rapacious ambition of the enemy, as if each had fought single-handed, and the want of unity could not be supplied by concert.

Equally inconsistent and devoid of all intelligible principle, was the course of his negociations. He went to war without any conceivable justification, except distrust of the revolutionary government, and alarm lest its neighbourhood should prove fatal to our internal tranquillity; and yet he thrice treated for peace with that same revolutionary government, at a time when its form was so fluctuating, that it changed during one of the negociations. After passing through various stages, an alteration took place which promised a degree of stability unknown since the destruction of the old dynasty; but with the chief who had been placed at the head of the new system, he indignantly refused to hold communion, upon objections of a personal nature; as if the relations of peace could be safely formed with the five Directors who happened at the moment to bear sway, and of whom little or nothing was known, while all intercourse was impossible with a single person in firm possession of the supreme civil and military authority in the State. The past conduct of this extraordinary man was the principal ground of rejecting his proposals. Yet in about one year afterwards, Mr Pitt supported the policy of those who willingly treated with the same individual; though he had certainly not changed his nature in the interval, but only made himself more formidable and less easy to deal with, by extending his power at home, and humbling his enemies abroad. In a year after this treaty was concluded, the ministers began to be afraid of what they had done;

and Mr Pitt, once more discovering that there was no safety but in war, hurried them on to break the peace, and to sacrifice whatever remained of independence in Europe.

If Mr Burke had conducted the affairs of England in those days, at least there would have been an intelligible course pursued in negociation and in war; he would only have treated with the ancient government of France. He would have opposed the new system as such, backed by the Royalist party, or rather aiding them in attacking the revolutionary order of things, and not seizing the opportunity of taking a few ships and sugar islands. He would alike have refused to negociate with the Committee of Public Safety, the Directory, and the Consuls; and, far from deeming the extension of the enemy's power a reason for seeking peace at his hands, would have shown greater aversion to his advances when covered with laurels, than when only polluted with crimes. If Mr Fox had swayed the councils of the country, he might perhaps have taken the same course as Mr Burke; but it is far more likely that he would have abstained from all interference with the internal affairs of France —shown a friendly disposition towards the people—and cautiously, but inoffensively kept aloof from their rulers, neither courting their friendship nor provoking their enmity, though ready at all times to check the least encroachment upon our rights, and to resent any invasion of the territory of our allies. Mr Pitt, however, followed neither of these courses; but resorted to half measures, as if he had never looked the subject full in the face, and were undecided how to view it. He could neither remain quietly at peace, nor vigorously and strenuously urge the war; he seemed by turns to partake of all the opinions held by conflicting politicians, to take a little out of each system, and to pursue one line until he received a check which threw him upon the opposite course.

His adherents indeed contend, that, after all, his policy was successful; and would fain ascribe to it the unexpected turn of Continental affairs after the Moscow campaign. If asked, however, what they mean by his policy, the only answer is, that he kept up the spirit of resistance to France which in the end led to her discomfiture, and opposed the Revolutionary government which has now been overthrown. But the facts unfortunately preclude all such assumptions in Mr Pitt's favour; and entirely disconnect him with the changes which have recently taken place. He thrice treated with the remains of the Jacobins, and once with Bonaparte; whose insane ambition it was that hurried on the ruin of his dynasty, and created the counter-revolution. The inferior race of politicians who succeeded to Mr Pitt, really carried on the war upon far sounder

principles, and, for the first time, made the attack in the right place, and with the requisite force; they were led on by degrees to do so; and even they, superior as their policy was to his, through the accidents of the times, would in vain have expended the blood and treasure of the country, had not those unlooked for events come to their aid, to which every man of common discernment traces the issue of the war. But for those chances, their extravagance would have been as entirely fruitless (to compare great things with small) as the cost of the Caledonian Canal was before the lucky invention of the steam boat.

Let it not be imagined that they who hold this opinion of Mr Pitt's policy, foreign and financial, during the Wars of the Revolution, necessarily deny his talents as a statesman in ordinary times. The difficulties of his situation were of a nature wholly unparalleled in history; a person of great steadiness might well have faltered in his course through such a sea of troubles; and the resources of a very fertile mind might have easily been exhausted by the strange and novel exigencies of the crisis. Nor have we a right severely to blame him who met this demand, rather by extraordinary devices than happy ones. A minister may well be deemed able, whom we must allow to have been unqual to such novel emergencies; and much of greatness may be attached to the name of Mr Pitt, while we are compelled wholly to reject the extravagant praises which his followers have lavished upon him. In the policy which he pursued during the more ordinary times which preceded the Revolution, far less appears to censure; and, with the exception of the Russian armament and negotiation, his conduct in relation to foreign powers was firm, consistent, and prosperous. The able and successful measures adopted in the affairs of Holland gained the unqualified approbation of all parties, and the French Commercial Treaty was never impeached with any effect.

Hitherto, we have almost wholly confined our attention to the talents and wisdom of this distinguished person; his claim to the higher praise of political Integrity will be the subject of far more disputation. All men will readily admit, that there was nothing petty or sordid in his character, at least in the worst sense of the terms; but it can hardly be denied, that the flights of a generous ambition are considerably lowered when it stoops to take or to keep mere office with crippled power, by the surrender of opinions upon important points. We pass over Mr Pitt's change of sentiments upon Parliamentary Reform, and shall admit it to have been sincere when the Revolutionary alarm had begun to spread. But how many years did he continue in power before 1791, without exerting himself in favour of a measure which he still deemed essential to the

public safety, half so vigorously as he constantly did for the most paltry Government measures? A speech or two, indeed, he delivered during that period, reasserting the doctrines which he had maintained while in opposition; but he appears in no one instance to have exerted the influence of Government for the purpose of giving effect to his opinions. In short, he may have been sincere,—but he was not zealous; and to hold opinions such as his on so great a question, with indifference, seems hardly consistent with our ideas of perfect purity, more especially when it is borne in mind that the Courtiers were against him, and a loss of place might have been the effect of indiscreet ardour. The same remark applies to the Abolition of the Slave Trade, which it clearly appears he might have carried many years before his death, with perfect ease, had he chosen to make it a Cabinet Question. To no *speaker* is that important subject more indebted; to no *minister* so little: And then, with his feelings on the detested traffic, so loudly expressed during ten years, to double its amount at once for the sake of capturing some pestilent territory, where a word from the Executive could have excluded it without any interposition of Parliament, truly strikes the calm observer of these times with astonishment and dismay. In one respect, indeed, he was a far kinder friend to the Abolition than to Reform; for he never joined in persecuting the disciples of the former doctrine; whereas he had no sooner received a new light upon the latter, than he was found leagued with the men who proscribed Reformers, and endeavoured to treat them as rebels.

His resignation in 1801, upon the ground that the Catholic Question could not be carried, reflects great honour upon his memory; but this is materially tarnished by his consenting, three years after, to resume his place without any stipulation in its favour: although few men can now doubt that, had he remained firm with Lord Grenville and Mr Fox, the intolerant faction which had possession of the Court must needs have yielded; and fewer can deny, that the paramount importance of such a question demanded from Mr Pitt's consistency, as well as his patriotism, the sacrifice of all party and personal views. The course which he preferred proved, in the result, as unfortunate for his own interest as for that of his country. He formed an administration so weak in all its parts, that he transacted the whole business of Government himself; and to give it numerical strength in Parliament, he was forced to unite with the fragments of those whom he had displaced, in a manner sufficiently indicative of his contempt. His ill-fated schemes of a fourth coalition, far exceeding all the rest in crudeness and in

costliness, produced results proportionably more ruinous to England and to Europe; and he died at a time when, having failed in all his plans, and deserved his failures in most of them, his partial admirers could, with confidence, point to the Irish Union alone of all his various projects, as equally entitled to the applause of his own age and the gratitude of posterity.

It is a very common thing, in discussing the merits of statesmen, to make a distinction between their public and private character; but, in an enlarged sense, no real difference of this kind can be admitted. He who can do an unworthy act for the sake of power, would do the same for pelf,—if he happened to feel the want of it, or to place as high value upon it; and that he reserves the practice of base arts for the gratification of his ambition alone, proves his estimate of the object to vary rather than his scrupulousness about the means. Subject to this remark, we must allow Mr Pitt's private character to have been unimpeachable, in the ordinary sense of the term. The correctness of his demeanour, no doubt, proceeded in a good degree from physical temperament. Convivial pleasures were the only ones he indulged in; and this is certainly the foundation of his reputation for strict moral conduct. It is true that he fulfilled all the private relations of life in a manner the most exemplary, and that no man was ever more beloved in the circle of his friends. But this may, with perfectly equal truth, be affirmed of his illustrious antagonist, whom, nevertheless, it has always been the practice to contrast with him in respect of strict morality; while the only difference appears pretty clearly to have arisen from natural coldness, aided by the early and confirmed habits of an official life.

Such was the man whose life has now been written by a person enjoying, in a singular degree, access to full information, and who, we will venture to assert, has disappointed the expectations of the public by the performance of the task as signally as his opportunities were calculated to raise them. The Bishop of Lincoln was Mr Pitt's tutor for years; he was afterwards his private secretary; he lived at all times in habits of unreserved intercourse with him; he obtained access to all his papers after his decease; he is on terms of intimacy with his family and friends; he was himself a near observer of public events, as well as acquainted with a large portion of secret history—and he has produced a work, in two large quarto volumes, since moulded into three octavos, containing of matter which is at all novel—matter which every reader of Newspapers and Annual Registers does not know by heart—about sufficient to fill a dozen pages! The book, in fact, has been composed, not by

means of his Lordship's memory, but of his scissars; and these he has applied (with complete success, no doubt) to cutting out passages, not from notes or other MS., but from the best known editions of the Parliamentary Debates. Respect for his station prevents us from using the word which, we believe, every reader has frequently applied to this work; but we think no one can greatly blame us if we suggest, that, of late years, the literary manufacture of this country has presented us with few more genuine specimens of Book-making.

That we speak most literally, when we name the tools by which the Right Reverend workman chiefly carries on his handicraft, may be seen by any one who will take the trouble to turn over his pages. The speeches are given for the most part in the very words of the Debates, and they form a very large portion of the book. A few passages here and there might have been excused; although it seems strange that none of Mr Pitt's friends could furnish any more accurate account of his finer passages, than are to be collected from Woodfall and Debrett. But even the production of original notes of his speeches could not have justified the extent to which it has been found convenient to swell these '*Memoirs of Mr Pitt*' with reports. We have reckoned in one chapter fifty, and in another fifty-seven pages, thus filled; beside many more in the same chapters, with *abstracts* from other debates. It is true, that some selection is used in this department; not indeed in having recourse to the best reports, but in giving only Mr Pitt's speeches and those of his defenders, and almost always omitting those on the other side; although the only pretext for inserting the speeches at all is, that they afford a fuller account of the debates than any abstract could do. A single specimen of this impartiality will show, that the love of book-making is not so deeply implanted in any one, but that it may yield to other propensities. There may be various opinions as to which was the finest speech ever made by Mr Fox; but his three finest are universally allowed to be those on the Westminster Scrutiny, the Russian Armament, and the War of 1803. Each of those occasions, too, was one of the highest importance in Mr Pitt's history; and somewhat of candour might have been expected in the compilations relating to them. In what measure this may be hereafter meted out, when the Right Reverend Reporter comes to the year 1803, we cannot tell; but he has signalized himself in these volumes upon the two former debates. Of Mr Fox's speech on the Scrutiny, June 1784, we have this full and satisfactory sketch, traced by the impartial and acute memory of the Bishop. 'At length Mr Fox rose, and made a most intemperate and violent speech.' (I. 543.) Of Mr Pitt's answer, we

have transplanted, by his Lordship's sharp and faithful scissars, just seventeen pages, wanting eight lines. Of Mr Fox's speech on the same subject in 1785, he gives two or three pages, but almost entirely filled with complimentary expressions to Mr Pitt; at least expressions so strong, that the attack which they were used to introduce, becomes ineffectual when only given in general terms through a few sentences. But the whole of Mr Dundas's answer is carefully inserted; and, from the usual levelling effect of bad reports, the reader might suppose that the three speakers all belonged to the same class. (II. 14.) Of the speech which Mr Fox delivered upon the Russian question, we are only told 'that he exerted all the force of his great talents 'to persuade the House to accede to the proposed censure.' But a distinct, though summary account of Mr Pitt's defence, is given from his own speech in answer. (III. 306.)

Indeed, the partiality with which these Memoirs are compiled cannot be denied, we should think, even by their author; he hardly professes to give any narrative deserving the name of history; he merely is the eulogist and defender of Mr Pitt—and the enemy of all his adversaries. Whether he proves an able or successful ally, is a different question; but his good-will breaks forth in every page. As often as he relates any occurrence whatever (we say it without exception) in Mr Pitt's life, he pauses to make a reflection, generally in the same language, upon his great talents, integrity, youth, and so forth. We shall give a few samples of these *tail pieces*,—which the reader will perceive not to be exactly of the schools of Tacitus, or Hume, or Robertson.

After extracting ten pages of his celebrated speech on the peace 1783, (perhaps the most eloquent he ever delivered), our author says—'This animated and eloquent speech drew forth 'the warmest applause from every part of the House; and 'was universally acknowledged to display a perfect acquaint-'ance with the situation of this country, and of those powers 'with which we had been at war, as well as a manly and truly 'patriotic spirit.' (I. 127, 130.)

Upon his refusal to be prime minister, when the Coalition drove out Lord Shelburne, the good Bishop thus comments,—mistaking for a proof that his hero was devoid of ambition, and only looked to his country's good, an act which every man of common sagacity must impute to his prudence; for no one surely can fancy that Mr Pitt, who, with so much difficulty kept his ground after Mr Fox's East India Bill had trebled the unpopularity of the Coalition, could have held it a week against them in the plenitude of their power and success.

'Mr Pitt's inflexible determination to decline these repeated of-

fers, made with so much earnestness and confidence—a determination which, it was obvious, could proceed only from a sense of public duty—was very generally admitted to be a rare instance of moderation and disinterestedness. Having before displayed the most brilliant talents and powerful eloquence, he now gave full proof of a firm and strong mind, under the guidance of a sound understanding and sober discretion; and the admiration of these qualities, both splendid and substantial, was greatly heightened by the consideration, that the person, in whom they were so eminently united, had not yet completed his 24th year. Surely this single act is sufficient to refute the charge of inordinate ambition, which has been sometimes urged against Mr Pitt. What could be more captivating to a young and aspiring mind, than the offer of being prime minister of his country? What could be more difficult to resist, than the sentiments and wishes of his friends, and the pressing importunity of his sovereign? What more alluring to most men, than the means of disappointing the hopes of political rivals? Whoever had an opportunity of judging of what passed in Mr Pitt's breast upon this, and indeed upon every occasion where the public interest was concerned, could not but be convinced, that no person was less under the influence of an improper love of power. The good of his country was ever the ruling principle of his mind.' pp. 151–2.

The reader, after this, may be curious to know how his Lordship treats Mr Pitt's declaration, almost immediately after he came into public life, that he never would accept of any subordinate office. He first assumes, that this meant 'an office not entitling him to a seat in the Cabinet,' (I. 66.); and then adds, 'that the determination did not proceed from any overweening 'self-opinion, or reprehensible ambition, but from an unwilling-'ness to be considered as pledged to measures, in framing which 'he had no concern.' Now, if this was Mr Pitt's feeling in 1782, one marvels how he could go on comfortably with his late Majesty so many years, after he had, as elector of Hanover in 1786, made a treaty with Prussia and other powers, which excited the most hostile feelings towards England both in Austria and Russia, without ever mentioning the subject to his English minister, (vol ii. p. 108.); and possibly an equal degree of wonder may be experienced by those who recollect his resuming office in 1804, and yielding his firmest opinions to the scruples of the King, upon the most important interests of the Empire.

The two passages which follow occur within two pages of one another.

'The readiness and perspicuity, with which Mr Pitt went through this mass of financial detail and dry calculation; his extensive and minute information upon every point which he discussed; the manly spirit with which he met the difficulties of the country; the exertions he made to raise public credit and improve the revenue at the

hazard of losing the favour of the people; the judgment with which he selected taxes, to a greater amount than had ever been proposed on any one day before; his determination to negociate the loan in a manner most advantageous to the public; and his disinterestedness in foregoing all patronage in the distribution both of the loan and of the lottery, procured for him the commendation of his most determined political opponents.—They gave rise, however, to several debates; and the candour with which Mr Pitt listened to every observation, the quickness with which he availed himself of every useful suggestion, the dexterity with which he obviated every real objection, by modifications and provisions suited to each particular case, and at the same time his acuteness in exposing captious cavils, and his firmness in resisting all unfounded opposition, gained him universal admiration and applause.' (I. 505–7.)

And, as if the text were not large enough to hold all these panegyricks, they sometimes overflow into the notes,—one of which is in these words—'In no instance did Mr Pitt, either in 'his own conduct, or in judging of that of others, lose sight of 'the strict rules of justice or morality.' (II. 213.)

From what has been said the reader may possibly conceive, that only the leaders of opposition are attacked by Bishop Tomline; and, for the most part, this prudent course is pursued; but the Regency question transports his Lordship somewhat beyond the bounds of his accustomed discretion. He thus closes his details of that discussion. 'Had not these successive de-'lays been interposed by Mr Fox and his friends, the regency 'must have taken place; and what might have been the conse-'quence of that event, either *with respect to the recovery of the 'King*, or to the interests of the Public, must be left to conjec-'ture.' Now the meaning of this is obvious. The Bishop plainly insinuates that, had the Regency taken place, the King would probably not have been suffered to recover; and this is a charge not confined to the Whigs, who would have been the Regent's ministers, but necessarily implicating the illustrious Regent himself. It meets us here, indeed, not for the first time. The peculiar virulence which marks official party spirit, and the keener edge which it receives from the approaching loss of place, conjured up this foul calumny at the period in question; though we believe its circulation was restricted to the less respectable among the journals and pamphlets of the day. But when we find a father of the Church, one who should be an example of the charity he is bound to preach, reviving the slander, and giving it the duration which his employment in Mr Pitt's family may probably bestow upon a work naturally but shortlived, contradiction becomes necessary; and we shall not be suspected of flattering the reigning Monarch, when we add, that of the many charges which have been brought against the Prince of Wales,

want of affection to his Royal Father never was one that could be urged either with sincerity or plausibility.

The avidity with which the Right Reverend author seizes any words of panegyrick that have been applied to Mr Pitt, has been already exemplified; he culls them out of the debates, which he abridges or transcribes, as if they were the only important portions. Can he really think that such passages contribute to Mr Pitt's fame? Does he suppose it wants these testimonies? Do scraps of this description form parts of the life which he has undertaken to write? Do they furnish information from which the history of it may be compiled? So eager is he after such testimonials, that he must hunt them out in foreign languages as well as our own. The following is a letter from M. Necker, upon the occasion of a request made by the French government for assistance in provisions during scarcity felt at Paris in 1790.

'J'éprouve en vous écrivant, monsieur, deux sentiments bien differents, l'un de tristesse lorsque je refléchis au sujet de cette lettre, l'autre excité par une plus douce émotion en pensant, que je m'approche, pour la premiere fois de ma vie, d'un ministre, dont les rares vertus, dont les sublimes talens, dont la superbe renommée fixent depuis long-tems mon admiration et celle de toute l'Europe; recevez, monsieur, un hommage, qui aura peutêtre un leger prix à vos yeux, si vous pensez, qu'il vous est rendu par une personne, à qui l'experience a fait connoître la difficulté des affaires publiques, la multitude infinie de combinaisons qu'elles presentent, et quelquefois l'inconstance des jugements des hommes.

'Je viens à l'affaire que je recommande à la protection du plus noble ami de l'humanité:' &c. III. 83.

It may not be quite so easy to tell in what language the following testimonial is written. It is from the Address of the Vice-Chancellor and Senate of the University of Cambridge, upon electing him their High Steward.

'Munus hoc haud multum, confitemur, tibi allaturum dignitatis; atque inconsulti forsan videamur, qui tale nomen nostræ tenuitati præficiamus.—At circumspicientibus nobis quâ potissimum manu, quove tutelari favore, se suaque de cætero firmet, ornetque academia, solus tu ante oculos obversaris: non enim obliti sumus, quo virtutis, quo eruditionis fundamine, in tantum tua creverit amplitudo; non eximiam illam, à pueritiâ usque, malè intelleximus indolem; neque nescivit academia mater, quantum jam olim habuerit, in quo de tam illustri superbiret nato.

'Felices vero nos quorum negotiolis vaces, summis ipse occupationibus districtus; quorum minutulis interesse rebus non dedigneris ipse interim libertatis publicæ vindex, in aure, in animo regis augustissimi constitutus, qui reipublicæ tot annis tam feliciter sis moderatus, quique unus omnium is esse videaris, ex quo vel Britanniæ ipsius pendeat salus.' III. 140.

For our own parts, we prefer one testimony to all these—the high-minded acts which showed his entire disinterestedness in money matters, and his superiority to the little things which mere courtiers deem great. We allude to his bestowing the Clerkship of the Pells upon Colonel Barre, in order to save his pension of 3000*l.* a year to the country, and his own positive refusal of the Garter. The late King appears to have been much struck with those traits in Mr Pitt's character; for, when he complied with his request of a Tellership in behalf of a friend's son, his Majesty added a note,—that he should have been still better pleased to see some arrangement in favour of Mr Pitt himself. (III. 408.) We extract the following passage with pleasure, because it shows how the sinecure was obtained which this distinguished statesman at last condescended to hold; and which, far from diminishing his reputation, we will venture to say, has always been considered as a most just reward for his former high and singular demeanour. It is to be regretted that the Bishop should have suppressed the name of the Duke commemorated in the note.

'By the death of Lord Guildford on the 5th of August in this year, the wardenship of the Cinque Ports, worth about 3000*l.* a year, became vacant; and the King immediately offered it to Mr Pitt, in the following most gracious and pressing terms:

"*Windsor, August* 6, 1792.

"Having this morning received the account of the death of the Earl of Guildford, I take the first opportunity of acquainting Mr Pitt, that the wardenship of the Cinque Ports is an office, for which I will not receive any recommendations; having positively resolved to confer it on him, as a mark of that regard which his eminent services have deserved from me. I am so bent on this, that I shall seriously be offended at any attempt to decline. I have intimated these my intentions to the Earl of Chatham, Lord Grenville, and Mr Dundas."

'His Majesty, knowing that Mr Pitt was at Burton Pynsent, on a visit to his mother, sent the above letter to Mr Dundas, in London, adding, "Mr Dundas is to forward it with a few lines from himself, expressing, that I will not admit of this favour being declined. I desire that Lord Chatham may also write, and that Mr Dundas will take the first opportunity of acquainting Lord Grenville with the step I have taken."

'We have seen that Mr Pitt declined an office of the same value, soon after he became First Lord of the Treasury, and at a moment when his continuance in that situation was extremely uncertain. Having then been only a short time in his Majesty's service, he felt that he had no claim upon the public; and the very peculiar circumstances in which he stood, instead of operating as an inducement to seize that opportunity of securing to himself a provision, determined

him to dispose of the clerkship of the pells, without benefit to himself, or to any relative or friend. But he had now been prime minister nearly nine years; and, conscious that he had employed all his time and thoughts in endeavouring to promote the interests of his country, and knowing that, besides giving up a lucrative profession, he had expended the whole of his private fortune, in addition to his official income, he gratefully accepted this mark of his Majesty's condescending kindness and approbation; and the propriety of the appointment was never called in question by any party or person. * III. 407–409.

That Mr Pitt did not display the same magnanimity when his situation in the government was at stake, we have already remarked. Not only was he willing to retain it, after being defeated in various measures by majorities in Parliament, but he suffered persons intimately connected with him, and even dependant on him, to thwart his views upon questions which he deemed, or at least represented, as of the first importance. A striking instance occurs of the different conduct held by him, when he considered the opposition of a colleague as personal to himself, and when he only regarded it as hurtful to the interests of humanity, and injurious to the character of the country. On the 2d of April 1792, he delivered one of the finest speeches ever spoken in the world, and, we believe, generally deemed his masterpiece, against the Slave Trade. No man, not Mr Wilberforce himself, ever expressed more deep and bitter feelings of execration than he then did, of that odious crime; and the person whose support of it he had then principally to combat, was Mr Dundas—who defeated him by a majority of 68, in favour of a gradual abolition. On the 27th of the same month, he thus spoke of the criminality of delaying the necessary act of justice, out of tenderness to the interests of individuals. 'I do not 'understand complimenting away the lives of so many human 'beings. I do not understand the principle on which a few in-'dividuals are to be complimented, and their minds set at rest,

* This assertion admits of one exception. A noble Duke, who then held a high situation in his Majesty's household, applied to Mr Pitt for this office, which was always considered to be in the gift of the minister; and he took every opportunity of expressing and showing his resentment, that Mr Pitt would not decline it in his favour. Three years afterwards, he refused to give his vote for a professorship at Cambridge, which vote he had in right of his official situation, according to Mr Pitt's wishes, assigning his disappointment with respect to the Cinque Ports as his reason; and yet the noble Duke was suffered to retain his situation in the household till his death in 1799.

'at the expense, and total sacrifice, of the interest, the security, the happiness, of a whole quarter of the world, which, 'from our foul practices, has, for a vast length of time, been 'a scene of misery and horror. *I say, because I feel, that every 'hour you continue this trade, you are guilty of an offence beyond 'your power to atone for;* and by your indulgence to the planters, thousands of human beings are to be miserable for ever.' —'I feel its infamy so heavily, I am so clearly convinced of its 'impolicy, that I am ashamed I have not been able to prevail 'upon the House to abandon it altogether at an instant—to 'pronounce with one voice, immediate and total abolition. 'There is no excuse for us, seeing this infernal traffic as we do. 'It is the very death of justice, to utter a syllable in support 'of it. Sir, I know I state this subject with warmth. I feel 'it is impossible for me not to do so; or if it were, *I should de-'test myself for the exercise of moderation.*'—(III. 392–394.) He was again defeated however by a majority of forty; and, at length, a resolution to abolish in 1796, was carried by a majority of 19, which so disappointed Mr Dundas, who desired to have the evil hour delayed to the year 1800, that he refused to go on with his gradual plan. Now, on so vast a question as that here described by Mr Pitt as involving the interest of one quarter of the globe, and the character of his own country—a question which had drawn from him expressions of feelings so much stronger than were ever displayed by him on any other occasion, it is a lamentable truth that he permitted his principal colleague to be his most powerful adversary, and every petty functionary under Government to work as he chose against him. But only a fortnight after, Lord Thurlow, then Chancellor, having thought proper to oppose, in the House of Lords, his bill for creating the 1 per cent. sinking fund on new loans, he instantly told the King that either Lord Thurlow or himself must go out; and his Lordship was immediately dismissed. Can there be a more striking proof of the paramount importance which he attached to the stability of his administration? Is it conceiveable, that a man should feel all we have seen him expressing on the 27th of April upon the Slave Trade, and suffer himself to be so opposed and so beaten by an associate, when, on the 14th of May, we find him resenting, by an instant act of extreme justice, an opposition to himself personally? No one can doubt his sincerity in the latter case; and we see how zealously he acts, while he says very little. In the former, there is a profusion of *verba ardentia*—But the action is not suited to the word.

We have said that these volumes contain a few, and but a few things not to be found in the records periodically published

of Parliamentary and General History. The Bishop announces that he reserves Mr Pitt's private life for the remaining volumes, after he has brought down his public life to its close, the work before us ending with the declaration of war in 1793. We can hardly imagine a more clumsy arrangement. First, he gives an account of the private life till Mr Pitt enters the House of Commons; a scanty and meagre account undoubtedly, and filling only a few pages, but still, it should seem, all the private memoirs that we are to have for the first twenty-one years; then, he proceeds through the public life for ten years, and pauses—for no other purpose which any one can divine, except that of publication; next, he is to finish the public life, by carrying it down to 1806; and lastly, he is to turn back, and give memoirs of the private life from 1782 to its close. If, indeed, the debates from 1792 downwards are to be ransacked as unsparingly as those of the preceding years, we shall probably have a second rest at the end of the French war, and a voluminous publication as uninteresting as the work now before us. Nor can any good reason be assigned, why we should not have to wade through and to purchase a much larger mass of extracts and abstracts, before we come to the private memoirs, now faintly promised, and held out as a lure to decoy the buyer, if not the reader.

Of the new matter in the volumes before us, the fragments of a few private letters from the late King, are chiefly deserving of attention. It should seem that the Bishop, in some manner not very clearly explained, became possessed of these among Mr Pitt's other papers; and he conceived that he had a right to publish them, merely because, in his will, these words occur—'I 'wish my brother, with the Bishop of Lincoln, to look over my 'papers, and settle my affairs.' Few readers of this direction will see in it a full power to print private and confidential correspondence; fewer still can imagine that Mr Pitt intended the communications of his Sovereign upon the most delicate subjects thus to see the light. The bitter language used by his Majesty, in speaking of what he is pleased to term a faction, but in reality a body composed of the flower of our Aristocracy, nay, the Bishop chooses to say, the *whole* Aristocracy (I. 343.), and an actual majority of the House of Commons, might be overlooked in consideration of the temporary irritation that provoked it. But what excuse can there be for him who, at the distance of so many years, to serve a party purpose, or give his work a value in the market, promulgates what the King ought certainly never to have written, and Mr Pitt ought as certainly to have destroyed? Can it be doubted that the direction in his will was given for the very purpose of securing the destruction of such docu-

ments, preserved through habitual carelessness? But the Bishop reads it as a conveyance to him of whatever might be turned to most account for himself or his party. The passages in question relate to the transactions of the stormy year 1784.

'Mr Pitt sent to his Majesty, at Windsor, an account of what had passed this day in the House of Commons, and received the following answer: "Mr Pitt's letter is, undoubtedly, the most satisfactory I have received for many months. An avowal on the outset, that the proposition held forth is not intended to go farther lengths than a kind of manifesto; and then carrying it by a majority of only one, and the day concluded with an avowal that all negotiation is at an end, gives me every reason to hope, that, by a firm and proper conduct, this faction will, by degrees, be deserted by many, and at length be forgot. I shall ever with pleasure consider, that by the prudence, as well as rectitude, of one person, in the House of Commons, this great change has been effected; and that he will ever be able to reflect with satisfaction, that in having supported me, he has saved the Constitution, the most perfect of human formation."' I. 434.

'In a letter, dated February the 18th, his Majesty said to Mr Pitt, "Mr Pitt may depend upon my being heartily ready to adopt vigorous measures, as I think the struggle is really no less than my being called upon to stand forth in defence of the Constitution against a most desperate and unprincipled faction." I. 455, 456, *Note.*

'Upon one occasion, his Majesty wrote to Mr Pitt, "I cannot conclude without expressing my fullest approbation of the conduct of Mr Pitt on Monday; in particular, his employing a razor against his antagonists, and never condescending to run into that rudeness, which, though common in that House, certainly never becomes a gentleman. If he proceeds in this mode of oratory, he will bring debates into a shape more creditable, and correct that, as well as I trust many other evils, which time and temper can only effect."' I. 457, 458. *Note.*

So much was the King moved with the prospect of being defeated in those struggles, that it is generally believed he intended to retire for ever from England, and seek refuge from the evils of a Parliament in the security of his Hanoverian Constitution. This is now proved to be true.

'The King, in writing to Mr Pitt on the day this address was expected to be moved in the House of Lords, expressed himself in this manner, after lamenting the length to which the House of Commons had gone.—"I trust the House of Lords will this day feel, that the hour is come, for which the wisdom of our ancestors established that respectable corps in the State, to prevent either the Crown or the Commons from encroaching on the rights of each other. Indeed, should not the Lords stand boldly forth, this Constitution must soon be changed; for, if the two only remaining privileges of the Crown are infringed, that of negativing bills which have passed both Houses

of Parliament, and that of naming the Ministers to be employed, I cannot but feel, as far as regards my person, that I can be no longer of utility to this country, nor can with honour continue in this island." From this extract, coupled with the conclusion of his former letter, as well as from other authorities, it is evident that the King had, at this time, serious intentions of retiring to Hanover, in case Mr Fox and his party should prevail.' I. 340, 341.

Though suffering so much from a factious House of Commons, under the influence of a few great families (for as such he represented it), the King was no friend to any plan for its reformation. The following letter contains his sentiments on that subject, which we presume had then due weight in the quarter to which they were addressed, for it is dated March 20, 1785; and though it did not prevent Mr Pitt from bringing forward his motion, the fact is unquestionable, that, from that time forward, he never made any attempt in favour of Reform, but, on the contrary, opposed every motion upon the subject from whatever quarter it proceeded.

" I have received Mr Pitt's paper, containing the heads of his plan for a Parliamentary Reform, which I look on as a mark of attention. I should have delayed acknowledging the receipt of it till I saw him on Monday, had not his letter expressed, that there is but one issue of the business he could look upon as fatal, that is, the possibility of the measure being rejected by the weight of those who are supposed to be connected with Government. Mr Pitt must recollect, that though I have ever thought it unfortunate that he had early engaged himself in this measure, yet that I have ever said, that as he was clear of the propriety of the measure, he ought to lay his thoughts before the House; that out of personal regard to him, I would avoid giving any opinion to any one, on the opening of the door to Parliamentary reform, except to him; therefore, I am certain Mr Pitt cannot suspect my having influenced any one on the occasion. If others choose, for base ends, to impute such a conduct to me, I must bear it as former false suggestions. Indeed, on a question of such magnitude, I should think very ill of any man who took a part on either side without the maturest consideration, and who would suffer his civility to any one to make him vote contrary to his own opinion. The conduct of some of Mr Pitt's most intimate friends on the Westminster Scrutiny, shows, there are questions men will not, by friendship, be biassed to adopt." (II. 40, 41.)

The various success which attended Mr Pitt's efforts for Reform, deserves a moment's notice. We may thus perceive how little he gave to it of the weight which his official situation enabled him to command. He first brought forward the question in 1782, when he was in opposition, or at least not in office, but with the countenance of Mr Fox and other members of the administration. He was defeated only by a majority of 20, the

number being 161 to 141; and this is by far the best division which ever took place for the question. In 1784 he was Prime Minister, and had just acquired an influence almost uncontrolled by the dissolution, and with the powerful aid of the Dissenters and Reformers all over the country. He wished Alderman Sawbridge's motion to be postponed, and pledged himself to give it next Session every assistance in his power; nevertheless, he supported it when the Alderman persisted in bringing it on, but was defeated by 191 to 125. Next Session, in redemption of his pledge, he moved the question himself, and was defeated by 248 to 174. The experience which Mr Pitt had in those days of the House of Commons, was certainly sufficient to excite all his zeal for reform. To give a single instance. On the 27th November 1781, he had been left in a minority of 129 against 218, who voted an address to the Crown for a vigorous prosecution of the American war; the next day, he was in a minority of 54 against 131 upon the Report. The capture of Lord Cornwallis's army at York Town was soon after made known; yet, on the 14th December, Mr Pitt was in a minority of 84 against 166 (upon the Army Estimates), in favour of the same American war; and then, in this very House of Commons, immediately after the Christmas recess, March 4th 1782, a resolution was carried without a division, pronouncing any man to be an enemy of his King and his Country, who should advise the Sovereign to prosecute that war which, a few weeks before, so large a majority of the House had zealously entreated the Sovereign to prosecute.

Of Mr Pitt's early life, these volumes afford but a few meagre anecdotes. The Bishop bears ample testimony to his nice and extensive knowledge of the Classics. His facility in reading Greek appears to have been very extraordinary. We believe that, in these anecdotes, far too little credit is allowed to Mr Wilson, his first preceptor, the Bishop himself being the next in succession.

'Although Mr Pitt was little more than fourteen years of age when he went to reside at the University, and had laboured under the disadvantage of frequent ill health, the knowledge which he then possessed was very considerable; and, in particular, his proficiency in the learned languages was probably greater than ever was acquired by any other person in such early youth. In Latin authors he seldom met with difficulty; and it was no uncommon thing for him to read into English six or seven pages of Thucydides, which he had not previously seen, without more than two or three mistakes, and sometimes without even one. He had such an exactness in discriminating the sense of words, and so peculiar a penetration in seizing at once the meaning of a writer, that, as was justly observed by Mr

Wilson, he never seemed to learn, but only to recollect. Whenever he did err in rendering a sentence, it was owing to the want of a correct knowledge of grammar, without which no language can be perfectly understood. This defect, too common in a private education, it was my immediate endeavour to supply; and he was not only soon master of all the ordinary rules of grammar, but taking great pleasure in the philological disquisitions of critics and commentators, he became deeply versed in the niceties of construction and peculiarities of idiom, both in the Latin and Greek languages. He had also read the first six books of Euclid's Elements, Plane Trigonometry, the elementary parts of Algebra, and the two quarto volumes of Rutherford's Natural Philosophy, a work in some degree of repute while Mr Wilson was a student at Cambridge, but afterwards laid aside.

'Nor was it in learning only that Mr Pitt was so much superior to persons of his age. Though a boy in years and appearance, his manners were formed, and his behaviour manly. He mixed in conversation with unaffected vivacity; and delivered his sentiments with perfect ease, equally free from shyness and flippancy, and always with strict attention to propriety and decorum. Lord Chatham, who could not but be aware of the powers of his son's mind and understanding, had encouraged him to talk without reserve upon every subject, which frequently afforded opportunity for conveying useful information, and just notions of persons and things. When his Lordship's health would permit, he never suffered a day to pass without giving instruction of some sort to his children; and seldom without reading a chapter of the Bible with them. He must indeed be considered as having contributed largely to that fund of knowledge, and to those other advantages, with which Mr Pitt entered upon his academical life. I. 3–5.

We own the following anecdote seems to us a little overstrained.

'I had frequent opportunities of observing Mr Pitt's accurate knowledge of the Bible; and I may, I trust, be allowed to mention the following anecdote:—In the year 1797, I was reading with him, in manuscript, my Exposition of the First of the Thirty-nine Articles, which I afterwards published in the Elements of Christian Theology. There were several quotations from Scripture, all of which he remembered, and made no observation upon them. At last, we came to a quotation, at which he stopped, and said, "I do not recollect that passage in the Bible, and it does not sound like Scripture." It was a quotation from the Apocrypha, which he had not read.' I. 5.

The following account of his first speech is very interesting; and the description of his *training*, which is subjoined, can hardly fail to remind the classical reader of Philopemon's manner of discipline, as related, if we recollect aright, by Plutarch.

'On the 26th of February, a circumstance of a very remarkable nature occasioned Mr Pitt to make his first speech in the House of

Commons. The subject of debate was, Mr Burke's bill for Economical Reform in the Civil List. Lord Nugent was speaking against the bill; and Mr Byng, member for Middlesex, knowing Mr Pitt's sentiments upon the measure, asked him to reply to his Lordship. Mr Pitt gave a doubtful answer; but in the course of Lord Nugent's speech, he determined not to reply to him. Mr Byng, however, understood that Mr Pitt intended to speak after Lord Nugent; and the moment his Lordship sat down, Mr Byng and several of his friends, to whom he had communicated Mr Pitt's supposed intention, called out, in the manner usual in the House of Commons, Mr Pitt's name as being about to speak. This probably prevented any other person from rising; and Mr Pitt, finding himself thus called upon, and observing that the House waited to hear him, thought it necessary to rise. Though really not intending to speak, he was from the beginning collected and unembarrassed.

'Before Mr Pitt had a seat in Parliament, he had been a constant attendant in the gallery of the House of Commons, and near the throne in the House of Lords, upon every important debate; and whenever he heard a speech of any merit on the side opposite to his own opinions, he accustomed himself to consider, as it proceeded, in what manner it might be answered; and when the speaker accorded with his own sentiments, he then observed his mode of arranging and enforcing his ideas, and considered whether any improvement could have been made, or whether any argument had been omitted. To this habit, and to the practice already mentioned, of reading Greek and Latin into English, joined to his wonderful natural endowments, may be attributed that talent for reply, and that command of language, for which he was from the first so highly distinguished.'—I. 29–32.

We subjoin some curious particulars * of his professional life.

'Since I wrote the above, I have been favoured with the following communication from a gentleman, who was many years a member of

* Whether it be that the Bishop cites from bad reports, or that Mr Pitt had wholly forgotten his professional lore in 1784, we cannot pretend to determine. But certainly a strange specimen is given of it in Vol. I. p. 557, where, after apologizing 'for seeming to be 'pedantic, in alluding, *somewhat technically*, to the profession he once 'belonged to,' he proposes to bring the point of law directly within the cognizance of the House. He then proceeds—'A writ is issued 'to the sheriff (in an action of debt) called a *capias ad satisfaciendum*, 'ordering him to seize the *goods* of A, and *this is followed* by ano-'ther, called a *venditioni exponas*, and is returnable by a certain day; 'the sheriff, in prosecution of his writ, seizes the goods, in order to 'put them up to sale.' Now there are three gross mistakes in this short passage;—the nature of the first writ—its connexion with the second—and the overlooking of the bearing which the real nature of the second has on his argument.

the House of Commons, and now holds an honourable station in the Court of Chancery: he was very intimate with Mr Pitt on the western circuit, and afterwards, till they were separated in 1792 by a difference of political opinions. "Among lively men of his own time of life, Mr Pitt was always the most lively and convivial in the many hours of leisure which occur to young unoccupied men on a circuit; and joined all the little excursions to Southampton, Weymouth, and such parties of amusement as were habitually formed. He was extremely popular. His name and reputation of high acquirements at the University, commanded the attention of his seniors. His wit, his good humour, and joyous manners, endeared him to the younger part of the bar. In some bribery causes from Cricklade, he was retained as junior counsel; but even in that subordinate character, he had an opportunity of arguing a point of evidence with extraordinary ability. I remember also, in an action of crim. con. at Exeter, as junior counsel, he manifested such talents in cross-examination, that it was the universal opinion of the bar that he should have led the cause. During his short stay in the profession, he never had occasion to address a jury; but upon a motion in the Court of King's Bench, for an habeas corpus to bring up a man to be bailed, who was charged with murder, Mr Pitt made a speech which excited the admiration of the bar, and drew down very complimentary approbation from Lord Mansfield. When he first made his brilliant display in Parliament, those at the bar who had seen little of him, expressed surprise; but a few who had heard him once speak in a sort of mock debate at the Crown and Anchor tavern, when a club, called the Western Circuit Club, was dissolved, agreed, that he had then displayed all the various species of eloquence for which he was afterwards celebrated. Before he distinguished himself in the House of Commons, he certainly looked seriously to the law as a profession. The late Mr Justice Rooke told me, that Mr Pitt dangled seven days with a junior brief and a single guinea fee, waiting till a cause of no sort of importance should come on in the Court of Common Pleas. At Mr Pitt's instance, an annual dinner took place for some years at Richmond Hill, the party consisting of Lord Erskine, Lord Redesdale, Sir William Grant, Mr Bond, Mr Leycester, Mr Jekyll, and others; and I well remember a dinner with Mr Pitt and several of his private friend's, at the Boar's Head in Eastcheap, in celebration of Shakespear's Falstaff. We were all in high spirits, quoting and alluding to Shakespeare the whole day; and it appeared that Mr Pitt was as well and familiarly read in the poet's works as the best Shakespearians present. But to speak of his conviviality is needless. After he was minister, he continued to ask his old circuit intimates to dine with him, and his manners were unaltered." I. 43, 44.

We close these extracts with a very early letter of Mr Pitt upon his brother's death, and two of Lord Chatham to his son at Cambridge.

Nov. 1780.

" I can hardly bring myself to write under the severe blow which we have lately experienced, to the news of which, my dear Pretyman, you are probably not a stranger. You will, I know, be anxious to hear from me. I wish to say as little as possible on the melancholy subject, too melancholy indeed for words. I have to regret the loss of a brother, who had every thing that was most amiable and promising, every thing that I could love and admire; and I feel the favourite hope of my mind extinguished by this untimely blow. Let me, however, assure you, that I am too much tried in affliction not to be able to support myself under it; and that my poor mother and sister, to whom I brought the sad account yesterday, have not suffered in their health, from so severe a shock. I have prevailed on them to think of changing the scene, and moving towards Hayes, which is a great comfort to me, as the solitude and distance of this place must now be insupportable. I imagine that we shall begin our journey in a few days. Adieu. You shall hear from me soon again. Your's most sincerely and affectionately, W. Pitt." I. 26, 27.

" *Hayes, Sunday, July* 17, 1774.

" Need I tell my dear William that his letter, received this morning, diffused general joy here? To know that he is well and happy, and to be happy ourselves, is one and the same thing. I am glad that Chambers, Hall, and tufted Robe, continue to please; and make no doubt, that all the *nine*, in their several departments of charming, will sue for your love with all their powers of enchantment. I know too well the danger of a *new amour* or of a *reviving passion*, not to have some fears for your discretion. Give any of these alluring ladies the meeting by *day-light*, and *in their turns;* not becoming the *slave* of any one of them; nor be drawn into late hours by the temptation of their sweet converse. I rejoice that college is not yet evacuated of its learned garrison; and I hope the governor of this fortress of science, the master, or his admirable aides-de-camp the tutors, will not soon repair to their respective excursions. Dr Brown, to whom I desire to present my best compliments, is very obliging in accommodating you with a stable. I hope with this aid Mr Wilson's computation may not be out above one-half, to bring it at all near the mark. I conclude, a horse's allowance at Cambridge is upon the scale of a sizar's commons. However it prove, I am glad to think you and he will find more convenience for riding at every spare hour that offers. Stucky will carry Mr Wilson safely, and, I trust, not unpleasantly. The brothers of the turf may hold the solid contents of his shoulders and forehand somewhat cheap; but by Dan's leave, he is no uncreditable *clerical* steed. No news yet from Pitt. James is here the flower of schoolboys. Your loving father, Chatham."

" *Hayes, Sept.* 2, 1774.

" I write, my dearest William, the post just going out, only to thank you for your most welcome letter, and for the affectionate anxiety you express for my situation, left behind in the hospital, when

our flying camp moved to Stowe. Gout has for the present subsided, and seems to intend deferring his favours till winter, if autumn will do its duty, and bless us with a course of steady weather; those days which Madame de Sevigné so beautifully paints, *des jours filés d'or et de soye.*

" I have the pleasure to tell you, your mother and sisters returned perfectly well from Bucks, warm in praises of magnificent and princely Stowe, and full of due sentiments of the agreeable and kind reception they found there. No less than two dancings in the short time they passed there. One escape from a wasp's nest, which proved only an adventure to talk of, by the incomparable skill and presence of mind of Mr Cotton, driving our girls in his carriage with four very fine horses, and no postillion. They fell into an *ambuscade* of wasps more fierce than *Pandours,* who beset these coursers of spirit not inferior to *Xanthus* and *Podarges,* and stung them to madness; when, disdaining the master's hand, he turned them short into a hedge, threw some of them, as he meant to do; and leaping down, seized the bridles of the leaders, which afforded time for your sisters to get out safe and sound, their honour, in point of courage, intact, as well as their bones; for they are celebrated not a little on their composure in this alarming situation. I rejoice that your time passes to your mind, in the evacuated seat of the Muses. However, knowing that those heavenly ladies (unlike the London fair) delight most, and spread their choicest charms and treasures in sweet retired solitude, I wo'n't wonder that their true votary is happy to be alone with them. Mr Pretyman will by no means spoil company, and I wish you joy of his return. How many commons have you lost of late? Whose fences have you broken; and in what lord of the manor's pond have any *strays of science* been found, since the famous adventure of catching the horses with such admirable address and alacrity? I beg my affectionate compliments to Mr Wilson, and hope you will both beware of an enclosed country for the future. Little James is still with us, doing penance for the *high living* so well described to you in Mrs Pani's excellent epistle. All loves follow my sweetest boy in more abundance than I have time or ability to express." I. 26, 27.—19–22.

We have left ourselves no room to enter upon the controversy between the Bishop and Mr Adair, if controversy it may be called, '*Ubi tu pulsas, ego vapulo tantum.*' But we shall have great pleasure in returning to Mr A.'s most able, spirited, and satisfactory exposition of his antagonist, at an early opportunity.

ART. XI. 1. *Numbers I. and II. of Essays on Money, Exchanges, and Political Economy.* By HENRY JAMES. London, 1820.

2. *Speech of Matthias Attwood Esq., M. P. on the Bank Cash Payments Bill, April* 9, 1821.

3. *A Series of Tables, exhibiting the Gain and Loss to the Fundholders, arising from the late Fluctuations in the Value of the Currency from* 1800 *to* 1821. By ROBERT MUSHET Esq., Second Edition. London, 1821.

To make any direct alteration in the terms of the contracts entered into between individuals, would be a degree of barefaced oppression, and tyrannical interference with the rights of property that could not be tolerated. Those, therefore, who have hitherto endeavoured to enrich one part of society at the expense of another, have found it necessary to act with greater caution and reserve. They have not, indeed, relinquished their purpose; but they have been obliged to substitute the cunning of the practised cheat, for open and avowed injustice. Instead of directly altering the stipulations in contracts, they have ingeniously bethought themselves of altering the *standard*, by a reference to which these stipulations had been adjusted! They have not said, in so many words, that 10 or 20 per cent. shall be added to, or deducted from, the mutual debts and obligations of society; but they have really effected the same thing, by making a proportionable change in the value of the currency. Men, in their bargains, do not stipulate for *signs* or *measures of value*, but for real equivalents. Money is not merely the standard, by a comparison with which the relative value of commodities is ascertained at any given period; but it is also the equivalent, by the delivery of a fixed amount of which, the stipulations, in almost all contracts and agreements, may be discharged. It is plain, therefore, that no variation can take place in its value, without essentially affecting all these stipulations. Every addition to the value of money must make a corresponding addition to the debts of the State, and of every individual; and every diminution of its value must make a corresponding diminution of these debts. Suppose that, owing to an increased difficulty of production, or to an increase in the quantity of bullion contained in coins of the same denomination, the value of money is raised 20 per cent., it is plain that 20 per cent. is, in consequence, added to all the various sums, in which one part of society is indebted to the other part. Though the *nominal* rent of the farmer, for example, is not increased by this

means, his *real* rent is increased: he continues to pay the same number of pounds or livres as formerly; but the pound or livre is become more valuable, and requires the sacrifice of *one-fifth* part more of corn, of labour, or of any other commodity whose value has remained stationary, to obtain them. On the other hand, had the value of money fallen 20 per cent., the advantage, it is plain, would have been all on the side of the farmer, who would have been entitled to claim a discharge from his landlord, when he had paid him only *four-fifths* of the rent he had really bargained for.

But, notwithstanding it is thus obviously necessary, in order to prevent the pernicious subversion of private fortunes, and the falsifying of all precedent contracts, that the standard of money, when once fixed, should be religiously kept inviolate, there is nothing that has been more frequently changed. We do not here allude to those variations which affect the value of the material of which the standard itself is composed, and against which it is impossible to guard; but to the changes which have been made in the *quantity* of that material contained in the same nominal sum of money. In every country in Europe, debtors have been thus enriched at the expense of their creditors. The necessities, or the extravagance of Princes, have forced them to borrow; and, in order to relieve themselves from the incumbrances they had contracted, they have almost universally had recourse to the disgraceful expedient of degrading the coin; that is, of *cheating* those who had lent them money to the extent of the degradation, and of enabling every other debtor in their dominions to do the same. In England, for 234 years after the Norman Conquest, a pound in money was also a pound in *weight*; or, which is the same thing, a pound weight of silver was coined into 20 shillings. In the reign of Edward I., the standard was, for the first time, changed: and, having been once violated, it was gradually debased, until, in 1601, in the reign of Queen Elizabeth, 62 shillings were coined out of a pound. This was a reduction of above *two-thirds* in the standard; so that all the stipulations in contracts entered into in the reigns immediately subsequent to the Conquest, might, in 1601, and since, be legally discharged, by the payment of less than *one-third* of the sums that had been really bargained for. And yet the standard has been less degraded in England than in any other country. In France, the livre, or pound in tale, contained, in the reign of Charlemagne, precisely a pound *weight* of pure silver; but, by successive degradations, it contained, at the commencement of the French Revolution, only $\frac{1}{6}$th of an ounce, or *one seventy-second* part of a pound of silver. In Scotland,

the pound weight of silver, which had, previously to 1296, been coined into *one* pound, or 20 shillings, was, in 1601, coined into *thirty-six* pounds, or 720 shillings. The Spanish coin, called a Maravedi, which, in 1220, weighed 84 grains of gold, and, of course, must have been worth about 14 shillings of our present money, is now become a small *copper* coin, equal only to about $\frac{1}{2}\frac{1}{7}\frac{5}{7}$ of an English penny!

The principle of degradation has not, however, been uniformly acted upon. The quantity of bullion contained in coins of the same denomination, has sometimes, though rarely, been increased, and creditors enriched at the expense of their debtors. This method of swindling his subjects is said to have been first resorted to by Heliogabalus. The Roman citizens being bound to pay into the Imperial treasury, not a certain weight of gold, but a certain number of pieces of gold, or *aurei*, the Emperor, whose vices have become proverbial, in order to increase his means of dissipation, without appearing to add to the weight of the taxes, increased the quantity of metal contained in the *aureus;* and thus obtained, by a dishonest trick, what it might have been difficult for him to have obtained by a fair and open proceeding. * In France, the value of the coins has been frequently raised. During the early part of the reign of Philip le Bel, who ascended the throne in 1285, the value of the coin had been reduced to such an extent, as to occasion the most violent complaints on the part of the clergy and landholders, and generally of all that portion of his subjects who could not raise their incomes proportionably to the reduction of the value of money. To appease this discontent, and in compliance with an injunction of the Popes, the King at last consented to issue new coins of the same denomination with those previously current, but which contained about *three* times the quantity of silver. This, however, was merely shifting an oppressive burden from the shoulders of one class to those of another who were less able to bear it. The degraded money having been in circulation for about sixteen years, by far the largest proportion of the existing contracts must have been adjusted exclusively with reference to its value. No wonder, therefore, that those who were in the situation of debtors should have declared their repugnance to submit to so shameful an act of injustice as was done them

* Lamp. Vita Alex. Severi, cap. 39.—Perhaps Heliogabalus took the hint from Licinius, a freedman of Cæsar's, who, in his government of the Gauls under Augustus, divided the year into fourteen months instead of twelve, because the Gauls paid a certain *monthly* tribute! Dion Cassius, lib. 72.

by this enhancement of the value of money, and that they should have refused to make good their engagements, otherwise than in money of the value of that which had been current at the time when they were entered into. The labouring class, to whom every sudden rise in the value of money is always injurious, having joined the debtors in their opposition, they broke out into open rebellion. 'The people,' says Le Blanc, in his excellent history of French money, 'being reduced to despair, 'and having no longer any thing to care for, lost the respect 'due to the edict of his Majesty. They pillaged the house of 'the Master of the Mint, who was believed to have been the 'chief adviser of the measure, besieged the Temple in which 'the King lodged, and did all that an infuriated populace is 'capable of doing.' † The sedition was ultimately suppressed; but it is not mentioned whether any abatement was made, by authority, from the claims of the creditors, in the contracts entered into when the light money was in circulation. It seems probable, however, from what is elsewhere mentioned by Le Blanc (Introduction, p. 30.), that such was really the case.

The history of the French coinage affords several instances, similar to the very remarkable one we have now brought under the notice of our readers; but in England, the new coinage, in the last year of the reign of Edward VI., is the only instance in which the value of money has been augmented by the direct interference of Government. Previously to the accession of Henry VIII., the pound of standard silver bullion, containing 11 oz. 2 dwts. of pure silver, and 18 dwts. of alloy, was coined into 37 shillings and sixpence. But Henry not only increased the number of shillings coined out of a pound weight of silver, but also debased its purity. The degradation was increased under his son and successor, Edward VI., in the fifth year of whose reign 72 shillings were coined out of a pound weight of bullion; but this bullion only contained *three* ounces of pure silver to nine ounces of alloy, so that in fact twenty of these shillings were only worth 4s. 7¾d. of our present money. ‡ It appears, from the Proclamations issued at the time, and from other authentic documents, that this excessive reduction of the value of silver money had been productive of the greatest confusion. A *maximum* was set on the price of corn and other necessaries; and letters were sent to the gentlemen of the different counties, desiring them to punish those who refused to carry their grain to market. But it was soon found to be quite im-

† Traité Historique des Monnoyes de France, p. 190. Amst. 1692.

‡ Folkes's Table of English Coins, p. 34.

possible to remedy these disorders, otherwise than by withdrawing the base money from circulation. This was accordingly resolved upon; and, in 1552, new coins were issued, the silver of which was restored to the old standard of purity, and which, though less valuable than those in circulation during the early part of the reign of Henry VIII., were above *four* times the value of a large proportion of those of the same denomination that had been in circulation for some years before.

It is clear to demonstration, however, that such a rise of the value of money could not have taken place without occasioning the most violent commotions, had *all* the coins previously in circulation been debased. Equal injustice, it must be remembered, is always done to the poorest, and not least numerous class of society, by increasing the value of money, as is done to the wealthier classes by depressing it. But, although Government had been disposed to sanction so enormous an invasion of the right of property, it is altogether impossible that the country could have submitted to have had 400 or 450 per cent. added to its taxes and other public burdens by a legerdemain trick of this kind, or that individuals would have consented to pay so much more than they had originally bargained for. Instead of deserving praise for accomplishing such a measure, Edward VI., by whom the reformation of the coins was begun, and Elizabeth, by whom it was completed, would have justly forfeited the esteem of their subjects, and merited the deepest execration. The truth is, however, that almost no change had been made during all this period in the value of the *gold* coins; and there is, besides, abundance of evidence to show, that a large supply of the old silver coins of the standard purity had remained in circulation. Now, as there is no mention made of the issue of the new coins having been attended with any inconvenience, it is nearly certain, as Mr Harris has remarked, that during the period of the debasement of the standard, individuals had regulated their contracts chiefly with reference to the gold or old silver coins; or, which is the same thing, that 'they had endeavoured, as well as they could, *to keep by the standard as it had been fixed in the preceding times* *

We have been thus particular in examining this measure, because it has, of late, been much referred to. It is plain, however, that it can give no support to the arguments of those who have appealed to it as affording a striking proof of the benefits which they affirm must always result from restoring a debased or degraded currency to its original standard. Invariability of value is the great desideratum in a currency. To elevate the

* Harris on Coins, Part II. p. 3.

standard, after it has been for a considerable period depressed, is really not a measure of justice, but the giving of *a new direction to injustice.* It vitiates and falsifies the terms in one set of contracts, in order properly to adjust those in some other set!

This, however, as we have already remarked, is the only instance in which the Government of England has ever interfered directly to enhance the value of money. In every other case where they have tampered with the standard, it has been to lower its value, or, which comes to the same thing, to reduce their own debts and those of their subjects. We subjoin a Table, calculated by Mr Folkes, which shows at a single glance the principal alterations that have been made in the standard of our silver money, from the Norman Conquest down to 1601, when the standard was fixed on the footing at which it has continued, until the late act imposing a seignorage of 6 per cent. on the silver coins.

Years.		Fineness of Silver.		Weight of 20s. in tale.			Value in Silver at 5s. 2d. an oz.			Proportion.	Fine Gold to Fine Silver.
	A. D.	oz.	dwts	oz.	dwts	gr.	L.	s.	d.		
Conquest, -	1066.	11	2	11	5*	0	2	18	1½	2.906	no gold.
28 Edward I.	1300.	—		11	2	5	2	17	5	2.871	
18 Edward III.	1344.	—		10	3	0	2	12	5¾	2.622	12.583
20 Ditto -	1346.	—		10	0	0	2	11	8	2.583	11.571
27 Ditto -	1353.	—		9	0	0	2	6	6	2.325	11.158
13 Henry IV.	1412.	—		7	10	0	1	18	9	1.937	—
4 Edward IV.	1464.	—		6	0	0	1	11	0	1.055	10.331
18 Henry VIII.	1527.	—		5	6	16	1	7	6¾	1.378	11.267
34 Ditto -	1543.	10	0	5	0	0	1	3	3¼	1.163	10.435
36 Ditto -	1545.	6	0	5	0	0	0	13	11½	0.698	6.818
37 Ditto -	1546.	4	0	5	0	0	0	9	3¾	0.466	5.000
3 Edward VI.	1549.	6	0	3	6	16	0	9	3¾	0.466	5.151
5 Ditto -	1551.	3	0	3	6	16	0	4	7¾	0.232	2.011
6 Ditto -	1552.	11	1	4	0	0	1	0	6¾	1.028	11.005
1 Mary -	1553.	11	0	4	0	0	1	0	5¾	1.024	11.005
2 Elizabeth	1560.	11	2	4	0	0	1	0	8	1.033	11.001
43 Ditto -	1601.	11	2	3	17	10	1	0	0	1.000	10.905

* The *Saxon*, or *Tower* pound, which was then the common weight, and continued to be the money weight till the 18th of Henry VIII., was but 11 oz. 5 dwts. troy; so that 20 shillings in tale were then exactly a pound in weight. Such of our readers as wish for more full and ample details respecting the fluctuations in the value of money in remote periods, may consult Mr Ruding's voluminous work on the History of the British Coinage.

It is unnecessary to enumerate in detail the various bad consequences that must have resulted from these changes in the standard of value. But it deserves to be remarked, that such arbitrary and capricious reductions do not afford any real relief to the embarrassments of the governments by whom they are resorted to. Their *debts* are, it is true, reduced in proportion to the reduction in the value of the currency, but their *revenues* are also reduced in the same proportion. A degraded piece of money will not exchange for the same quantity of commodities. To whatever extent the standard of money may be reduced, prices must, very soon, be raised to the same extent. If the degradation be 10 per cent., the Government, as well as every one else, will, henceforth, be compelled to pay 110*l.* for those commodities which it might previously have obtained for 100*l.* To bring the same real value into the coffers of the Treasury, it is necessary, therefore, that taxation should be increased whenever the standard is diminished—a measure always odious, and sometimes, perhaps, in countries unprovided with a *taxing machine*, impracticable.

But a diminution of revenue is not the only bad effect which governments experience from reducing the standard of the currency. A state which has degraded its money, and cheated its creditors, is unable to borrow again on the same favourable terms as if it had acted with perfect good faith. We cannot expect to enjoy the reputation of honesty, at the same time that we are openly pocketing the booty earned by duplicity and treachery. Those who lend money to knaves, always stipulate for a proportionably high rate of interest. They must not only obtain as much as they could have obtained from the most secure investments, but they must also obtain an *additional* rate or premium, sufficient to cover the risk they run in transacting with those who have given proofs of bad faith, and on whose promises no reliance can be placed. A degradation of the standard of value is, therefore, of all others, the most wretched resource of a bankrupt government. It will never indeed be resorted to, except by those who are alike unprincipled and ignorant. 'It occasions,' says Dr Smith, 'a general and most pernicious subversion of the fortunes of private people; enriching, in most cases, the idle and profuse debtor at the expense of the frugal and industrious creditor; and transporting a great part of the national capital from the hands which were likely to increase and improve it, to those which are likely to dissipate and destroy it. When it becomes necessary for a state to declare itself bankrupt, in the same manner as when it becomes necessary for an individual to do so, a fair, open, and avowed bankruptcy, is always the measure which is both least disho-

'nourable to the debtor, and least hurtful to the creditor. The 'honour of a state is surely very poorly provided for, when, in 'order to cover the disgrace of a real bankruptcy, it has re-'course to a juggling trick of this kind, so easily seen through, 'and at the same time so utterly pernicious.' *

Some of the bad consequences resulting from a change in the value of money, might indeed be obviated, by enacting, that the stipulations in all precedent contracts should be made good, not according to the present value of money, but to its value at the time when they were entered into. This principle, which is conformable to the just maxim of the Civil law—*Valor monetæ considerandus atque inspiciendus est, a tempore contractus, non autem a tempore solutionis*—was acted upon, to a certain extent at least, by the Kings of France, during the middle ages. Ordonnances of Philip le Bel, Philip of Valois, and Charles VI., issued subsequently to their having *increased* the value of money, or, as the French historians term it, returned from the *foible* to the *forte* monnoie, are still extant, in which it is ordered, that all previous debts and contracts should be settled by reference to the previous standard. But although the same reason existed, it does not appear that any such ordonnances were ever issued when the value of money was degraded. It is obvious, indeed, that no government could derive any advantage whatever from reducing the value of money, if it were to order, as it is in justice bound to do, that all *existing* contracts should be adjusted by the old standard. Such a measure would reduce the revenue without reducing the incumbrances of the State; while, by establishing a new standard of value, and unsettling all the notions of the public, it would open a door for the grossest abuses, and be productive of infinite confusion and disorder in the dealings of individuals.

The odium and positive disadvantage attending the degradation of the value of metallic money, appears to have, at length, induced almost all Governments to abstain from it. But they have only renounced one mode of playing at fast and loose with the property of their subjects, to adopt another and a still more pernicious one. The injustice which was formerly done by diminishing the quantity of Bullion contained in the coins of different countries, is now perpetrated with greater ease, and to a still more ruinous extent, by the depreciation of their Paper currency. †

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* Wealth of Nations, Vol. III. p. 435.

† The sixth volume of the Cours d'Economie Politique of M.

In the long period from 1601 to 1797, no change was made in the standard of money in this country. A project for enfeebling the standard had indeed been entertained, both in 1626 and 1695; but, in the former instance, it was quashed by the celebrated speech addressed by Sir Robert Cotton to the Lords of the Privy Council, and in the latter by the opposition of Mr Montague, then Chancellor of the Exchequer, in the House of Commons, and by the impression made by the writings of Mr Locke, by whom the injustice of the scheme was admirably exposed, out of doors. It was reserved for Mr Pitt to set aside a standard which had been thus preserved inviolate for nearly two centuries. Previously to 1797, the Bank of England had been restricted from issuing any notes, except such as were made payable in gold or silver coin, of the legal weight and purity, at the pleasure of the holders;—a regulation which made it utterly impossible for the Directors of the Bank to depress the value of their notes below the value of the coins for which they were exchangeable. But the Order in Council of the 25th February 1797, and the acts of Parliament by which it was followed up, by removing this check, effected a total change in our ancient monetary system; and, instead of the old standard, gave us the *self-interested views and opinions of twenty-four irresponsible individuals.* The circulation of Bank of England paper was secured, by its being exclusively issued in payment of the dividends, or of the interest of the public debt, and by its also being received as cash in all payments into the Exchequer; but no attempt was made to sustain the value of this paper on a par with the value of gold or silver. Full power was given to the Directors of a private Banking Company, to raise or depress the value of money as their whim or caprice might suggest. They were enabled to exchange unlimited quantities of bits of engraved paper, of the intrinsic worth perhaps of 5s. a quire, for as many, or the value of as many, hundreds of thousands of pounds. And, in such circumstances, our only wonder is, not that paper money became depreciated, but that its value was not more reduced—that a still greater quantity of bank notes were not thrust into circulation.

For the first three or four years after the Restriction, the Directors, ignorant perhaps of the nature of the immense power which had been placed in their hands, seem to have regulated

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Storch, gives by far the best account we have seen of the paper money of the different Continental States. It contains a great variety of new and important information, and is highly deserving of the public attention.

their issues nearly on the same principles that they had regulated them by while they were obliged to pay in coin. It appears, by the Tables of the Price of Bullion, published by order of the House of Commons, that, until 1801, bank notes were on a par with gold. In 1801 and 1802, however, they were at a discount of from $8\frac{1}{3}$ to $7\frac{1}{3}$ per cent.; but they again recovered their value; and, from 1803 to 1809, both inclusive, they were only at a discount of 2*l.* 13s. 2d. per cent. But, in 1809 and 1810, the Directors appear to have totally lost sight of every principle by which their issues had previously been governed. The average amount of bank notes in circulation, which had never exceeded $17\frac{1}{2}$ millions, nor fallen short of $16\frac{1}{2}$ millions in any one year from 1802 to 1808, both inclusive, was, in 1809, raised to 18,927,833*l.*; and, in 1810, to 22,541,523*l.* The issues of country bank paper were increased in a still greater proportion; and, as there was no corresponding increase in the business of the country, the discount on bank notes rose from 2*l.* 13s. 2d. in 1809, to 13*l.* 9s. 6d. per cent. in 1810! The recommendation to return to cash payments, contained in the Report of the Bullion Committee, presented to the House of Commons in 1810, appears to have given a slight check to the issues of the Bank. All apprehensions from this quarter were, however, speedily dissipated; for, in May 1811, when guineas were notoriously bought at a premium, and bank notes were at an open discount, as compared with gold bullion, of upwards of 10 per cent., the House of Commons not only refused to fix any certain period for reverting to cash payments, but actually voted a resolution, declaring that the promissory notes of the Bank of England had *hitherto been, and were at that time held to be, in public estimation, equivalent to the legal coin of the realm!*

This ever memorable resolution—a resolution which took for granted, that a part was equal to a whole—that 90*l.* and 100*l.* were the same thing—relieved the Bank from all uneasiness respecting the interference of Parliament, and stimulated the Directors to increase the number of their notes in circulation. The consequence was, that, in 1812, they were at an average discount of $20\frac{3}{4}$; in 1813, of 23; and, in 1814, of 25 per cent.! This was the *maximum* of depreciation. The importation of foreign corn, subsequent to the opening of the Dutch ports in 1814, by occasioning a great decline of the price of the principal article of agricultural produce, produced an unprecedented degree of distress, first among the farmers, and latterly among the country bankers. It is estimated that, in 1815 and 1816, no fewer than 240 private banking companies, either became altogether bankrupt, or, at least, stopped payment; and the re-

striction that was thus occasioned in the quantity of bank notes in circulation, raised their value so rapidly, that, in October 1816, the discount was reduced to 1*l.* 8s. 7d. per cent. In 1817 and 1818, the average discount on bank paper, as compared with gold, did not exceed 2*l.* 13s. 2d. per cent. In the early part of 1819, it rose to about 6 per cent.; but it very soon declined; and, for the last two years, paper has been nearly on a level with gold. *

Nothing that has ever happened in the history of the country, has proved more injurious to its best interests than these fluctuations. From 1809 to 1815, the creditors in every antecedent contract, landholders whose estates had been let on lease, stockholders and annuitants of every description—all, in short, who could not raise the nominal amount of their claims or of their incomes proportionably to the fall in the real value of money, were robbed of a corresponding portion of them. The injustice that would have been done to the creditors of the State and of individuals, who had made their loans in gold or paper equivalent to gold, by raising the denomination of the coin 25 per cent., however gross and palpable, would not have been greater than was actually done them in 1814, by compelling them to receive payment of their just debts in paper depreciated to that extent. Circumstances which could neither be controlled by the Bank of England nor the Government,

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* We subjoin a statement of the average market price of bullion in every year from 1800 to 1821 (taken from official documents), of the average value per cent. of the currency, estimated by the market price of gold for the same period, and of the average depreciation per cent.

Years.	Average price of gold per ounce.	Average per cent. of the value of the currency.	Average depreciation per cent.	Years.	Average price of gold per ounce.	Average per cent. of the value of the currency.	Average depreciation per cent.
	L. s. d.	*L. s. d.*	*L. s. d.*		*L. s. d.*	*L. s. d.*	*L. s. d.*
1800	3 17 10½	100 0 0	Nil.	1811	4 4 6	92 5 2	7 16 10
1801	4 5 0	91 12 4	8 7 8	1812	4 15 6	79 5 5	20 14 9
1802	4 4 0	93 14 2	7 5 10	1813	5 1 0	77 2 0	22 18 0
1803	4 0 0	97 6 10	2 13 2	1814	5 4 0	74 17 6	25 2 6
1804	4 0 0	97 6 10	2 13 2	1815	4 15 6	83 5 9	16 14 3
1805	4 0 0	97 6 10	2 13 2	1816	4 15 6	83 5 9	16 14 3
1806	4 0 0	97 6 10	2 13 2	1817	4 0 0	97 6 10	2 13 2
1807	4 0 0	97 6 10	2 13 2	1818	4 0 0	97 6 10	2 13 2
1808	4 0 0	97 6 10	2 13 2	1819	4 1 6	95 11 0	4 9 0
1809	4 0 0	97 6 10	2 13 2	1820	3 19 11	97 8 0	2 12 0
1810	4 10 0	86 10 6	13 9 6	1821	3 17 10½	100 0 0	Nil.

put an end, as we have just seen, to this monstrous system. But we are still suffering, and will long continue to suffer severely, for the fraud and injustice of which we have been guilty. The mischief occasioned by the sudden reduction of the paper currency, and the consequent rapid augmentation of its value, has been still greater than what had previously been caused by its depreciation. The hardship occasioned by the subversion of private fortunes, and by the change in the debts and credits of individuals, might be, in both cases, nearly equal. A vast amount of public debt was, however, contracted during those years in which the depreciation was greatest; and the State is now paying this debt, borrowed when the bank note was not worth more than 14s. or 15s., with bank notes whose value is increased to 20s. The salaries, too, of all our public officers, and the expenses of the army and navy, and of all our other overgrown public establishments, had been generally augmented proportionably to the reduced value of money. And as no corresponding reduction has been made from the sums voted on their account since the currency recovered its value, it is easy to perceive, that a very great addition has thus been made to the public expenditure. All those taxes, too, which were imposed when the currency was depreciated, must now, though not nominally, be really increased in the same proportion; so that when sufficient allowance has been made for the difference in the value of money, it is doubtful whether the country be not more heavily burdened at this moment than it was in 1813 and 1814, though we have since got rid of the income-tax—a tax which produced about 14 millions a year!

Such is but a brief and imperfect outline of the very great and almost irreparable injury which the late fluctuations in the value of the currency have entailed on the country. And yet, strange to tell, there is a considerable party amongst us who are not satisfied with this hocus-pocus juggling—with this transference of property from the pockets of those who justly ought to possess it, to the pockets of those who have no right to it whatever! We are now told, that not a part only, but that *all* the distresses of the country have been owing to the late rise in the value of money! And we are called upon to believe, that the keeping up of a peace establishment three or four times as large as was kept on foot previous to the late war, and that the barbarous restraints which prevent the labourer from purchasing his food in the cheapest market, and force him to pay about double the price for his bread that would otherwise be necessary, have been productive of no bad consequences; but that, whatever difficulties we experience, are to be ascribed to the

measures taken to secure a return to the ancient standard of the currency! Such ridiculously exaggerated statements carry with them their own refutation. It is indeed unquestionably true, as we have already had occasion to show, that after a currency has been for a considerable period depreciated, equal injustice is done by again raising its value, as was done by first depressing it. There is good reason however to doubt, whether the depreciation from 1809 to 1815 (for the depreciation of 2½ per cent. during the seven preceding years is too inconsiderable to be taken into account) extended over a sufficiently lengthened period to have warranted the Legislature in departing from the old standard. But, without giving any opinion on this point, which is confessedly one of considerable difficulty, it is sufficient to remark, that the value of the currency was raised, *independently altogether of the interference of Government.* The destruction of country bank paper, occasioned by the renewed intercourse with the Continent, and the consequent introduction of cheap foreign corn, had raised the value of paper currency in October 1816 to within 1½ per cent. of par. Now, as the act 59 Geo. III. was not passed until 1819, and as the currency had not been depreciated in the interim, we frankly confess our inability to discover the grounds on which *it* is affirmed to have been the *cause* of that rise in the value of money which took place *three years before it was in existence!* The proceedings in 1819 did not really add three per cent. * to the value of bank paper, nor were they intended to raise it. Their great object was to shut the door against a *new* depreciation, and to prevent the value of paper, which had, for *three* years, been nearly on a level with gold, from being again degraded. By maintaining the *old* standard, or, which is the same thing, by maintaining the currency at a value nearly corresponding to that to which it had attained in 1816, 1817 and 1818, Parliament certainly gave permanence to the serious injury which the rise in the value of money had occasioned to the debtors in all the contracts entered into between 1810 and 1815; but if, instead of maintaining this old standard, they had raised the mint price of bullion to its market price in 1814, they would have done an equal injury to the far more numerous body of creditors, in *all the contracts entered into previously to* 1810, *and in the three years subsequent to autumn* 1816.

In these circumstances, it was impossible to adopt any measure capable of giving general satisfaction to those whose

* At the period when Mr Peel's bill was passed, bullion was at 4*l.* an ounce; consequently, the depreciation was only 2*l.* 13s. 2d. per cent.

interests were so widely different; and against which many plausible, and even forcible objections, might not have been stated. We are firmly persuaded, however, that the Legislature followed that course which was, on the whole, the wisest and most advantageous. It must be remembered, that much of that inconvenience and distress, which must always result from every sudden rise in the value of money, had been got over in 1817 and 1818. The rents of such farms as had been entered into during the depreciation had been very generally reduced, a vast number of annuity bills had been cancelled, and prices and wages had begun to accommodate themselves to the new scale of value. The adoption of Mr Peel's bill only gave stability to arrangements which had been brought about by the natural course of events; and, by fixing the standard at its former limit, secured us, so long at least as we have good sense and honesty to maintain it inviolate, against the risk of future derangement and fluctuation.

But, even if it could be shown that the act of 59 Geo. III. was inexpedient at the time when it was passed, that would add but little real strength to the plea of those who are now contending for its repeal. Every objection which it was possible to make to the degradation of the standard in 1819, must apply with tenfold force to the scheme for degrading it in 1821; while, on the other hand, all the arguments that could have been urged in favour of the measure at the former period, must now be proportionably weakened. Two years more have been afforded for the completion of those arrangements which had been begun in 1817 and 1818; and an immense variety of new contracts and engagements have been entered into, exclusively with reference to the present value of money. A fresh reduction of the standard would vitiate all these engagements, and plunge us of new into that confusion and embarrassment from which we have now nearly escaped. We should again witness the most pernicious subversion of private fortunes. Debtors would be again enriched at the expense of their creditors; the ignorant and unwary would again become the prey of the cunning and the crafty; and capitalists would be eager to transfer their stock from a country where it would be impossible to lend it, except at the risk of getting it repaid in a depreciated currency.

We shall be told, however, and it is the grand argument of those who contend for the expediency of again degrading the standard, that if the value of money be maintained at its present level, it will be impossible for the country to support the burdens to which it is subjected. But, before the smallest

weight can be attached to this argument, it must be shown that these burdens cannot be reduced otherwise than by a reduction of the standard. It must, for example, be shown, that it is necessary to keep up three times as large a military force in 1821, in a period of profound peace, and when Legitimacy is everywhere triumphant, as was sufficient to preserve the peace of the country during the heat and excitement of the French Revolution—that there are no useless offices, and no sinecures, which might be advantageously abolished—that those salaries which were advanced when the value of money fell, cannot be equally diminished now that it has risen—in short, that retrenchment and economy have been carried to their utmost limits, and that it is impossible to deduct another farthing from our annual expenditure!

If the advocates for the degradation of the standard admit, as they must, that economy and retrenchment have not been carried to this extent, they give up their whole case. For, if it be possible to take away 10 or 20 per cent. from the pay of a regiment, or of a public officer, *by lowering the value of money*, it must be equally possible, and far more advantageous, to do it *directly* and openly. Why, in order to secure a great national benefit, have recourse to the mean and disgraceful expedient of degrading the standard?—and why endeavour to effect a reduction of the public expenditure, by a measure which must, at the same time, vitiate the terms of every private contract, and renew all the embarrassments of 1815 and 1816?

But the advocates of degradation have still another resource! They admit that economy and retrenchment might be carried much further; but they contend, that it is to no purpose to expect any considerable relief from this source, while the *interest of the public debt continues undiminished.* It might indeed be easily shown, that this is, in point of fact, a very exaggerated statement. But admitting, as we do most fully and unreservedly, that the excessive amount of the public debt is a principal cause of the prevalence of pauperism, wretchedness, and crime—that it is a dead weight, which threatens to overpower and paralyze all the springs of industry—and that there is hardly any sacrifice we should consider too great, to relieve us from so serious an evil,—we are, notwithstanding, inclined to think, that a very short argument will be sufficient to convince our readers, that a reduction of the standard of money cannot, so long as we set any value on justice or good faith, be resorted to as a means of attaining this end.

Every rational proposal for reducing the national debt, otherwise than by an actual payment, must be bottomed either on the

ground of *Necessity* or of *Justice*. If it does not proceed on one or other of these principles, it is the proposal of a fool or a robber, and not of a statesman. The *right* of the public creditors to receive payment of the sums which have been really borrowed from them, is quite as good as the right of any private creditor to receive payment of his bond, or of any private gentleman to the undisturbed enjoyment of his estate. And nothing but the most overwhelming necessity—nothing but the absolute impossibility of making good those solemn engagements, on the faith of which individuals have lent their property to the State—can ever warrant a departure from them. Fortunately, however, this country has not yet reached that desperate extremity when it becomes necessary to determine which class shall submit to be starved for the benefit of the rest; and even if it were, it would remain to be shown why the fundholder, rather than the landholder or the manufacturer, should be marked out for destruction. But such, we repeat it, is not our situation. We have shown in a former article (Art. IX. No. 65.), that a repeal of the restrictions on the importation of foreign corn would, of itself, by permitting the consumers to import food from the cheapest markets, lead to a saving of TWENTY-FIVE millions a year, in the purchase of the most indispensable of all the necessaries of life. This would unquestionably be a very great relief; and if the repeal of the restrictions in question were combined, as it ought to be, with such an effectual system of economy and retrenchment as would reduce the peace establishment from *twenty* to *thirteen* or *fourteen* millions, there is every reason to think that the country would be enabled again to spring forward, notwithstanding the weight of the debt, with undiminished vigour in the career of improvement. But even if this were not the case, the resource of every honest and of every truly prudent man, would still remain to us. It is, as we have already observed, necessity, and necessity only, that can ever justify a national bankruptcy. Before we destroy public credit, and throw a burden from the shoulders of the community in general, who justly ought to bear it, on to the shoulders of a particular class, who ought to bear no more than their fair proportion, it must be shown that we have no other alternative, and that the sacrifice of the incomes of the fundholders is the only means by which the nation can be saved from ruin. But, whatever may be the case hereafter, there can be no manner of doubt that the country is, at this moment, fully able to fulfil all her obligations. It would be foreign to the object of this article, to enter into any examination of the probable consequences that might attend an attempt to give effect to the plan original-

ly suggested by Mr Hutcheson, and since recommended by Mr Ricardo, for paying off the public debt by an assessment on capital. A measure of this bold and decided character ought not to be adopted, except as a *dernier resort*, and after all other less hazardous and more practicable means of relieving the national embarrassments have been tried. But, if our choice lay only between public bankruptcy and the *transfer* of 20 or 25 per cent. of the capital of the country to the fundholders, we could not, unless we had determined to trample on public faith, and to commit an act of gross and shameful injustice in the face of the world, hesitate about making such a transfer. That it would be attended with considerable temporary hardship and inconvenience, cannot be denied; but, at the same time, it would preserve the national honour and character unimpaired, while, by relieving the country from above THIRTY MILLIONS a year of taxes, it would go far to render us the most flourishing and happy people in the world.

But, if the proposal for forcibly reducing the debt, or the interest of the debt, cannot be defended on the ground of *necessity*, still less, we apprehend, can it be defended on the ground of its being an act of substantial *justice*. To show the weakness of this plea, it might, perhaps, be enough to state, that every advance made by the fundholder was made by him in the belief, founded on an act of Parliament, that the Bank of England was to be obliged to revert to cash payments, at the old standard, six months after a definitive treaty of peace had been signed. We do not, however, lay much stress on this circumstance. And if it could be clearly made out that the fundholders have been materially benefited by the fluctuations in the value of money, and that they are now receiving a much larger rate of interest than what they had really stipulated for, or than what could be fairly supposed to be in the contemplation of the parties at the time the loans were made, we should think that those who propose that the debt should be reduced, had made out a very strong case indeed; and that it would be not a little difficult to decide, whether the clause in the act for continuing the restriction on cash payments, especially after the extraordinary proceedings in 1811, could be justly held as constituting an insuperable objection to any new arrangement. But, without presuming to give any opinion on this rather delicate question, we shall directly proceed to the more important branch of the inquiry, and endeavour to determine whether it be really true that the fundholders have derived the immense advantages they are supposed to have done from the fluctuations in the value of money since 1800.

Now this, it is manifest, is a point that can only be decided by a comparison and balancing of gains and losses. None can deny that the interest payable on that large portion of the public debt which was contracted during the depreciation of the currency, must, now that the value of the currency has risen to par, be increased in an equal degree. But, on the other hand, it is equally plain, that the interest payable on all that portion of the debt contracted previous to 1801, must have been equally diminished during the continuance of the depreciation; and it is further plain, that the fundholders sustained a real loss whenever the interest payable on such loans as were contracted in paper depreciated to a certain extent, was paid in paper depreciated to a greater extent. If, therefore, substantial justice requires that the fundholders should be deprived of the advantages which they derive from the late rise in the value of money, it must also require that they should be indemnified for the losses they had sustained in consequence of its previous depreciation. This is too obvious a principle of adjustment to be liable to the smallest dispute. We are not entitled to depart from the literal terms of our engagement with the fundholders, except for the purpose of rendering them more fair and equitable;—a purpose which, however desirable, could not certainly be fulfilled, were we to appropriate to ourselves all the advantages, and to leave all the loss attending the late fluctuations, to be borne by the fundholders.

Founding on the just principle of compensation being equally due by the public to the fundholders, for what they lost by the fluctuations in the value of the currency since 1800, as by the fundholders to the public for what they have thereby gained, Mr Mushet has calculated a set of Tables with the view of adjusting this account, and of ascertaining to whom the balance, if there be any, is due, and its precise amount. From these Tables it appears, that, instead of the fundholders gaining several millions by the late fluctuations, they have really incurred a permanent loss of 72,704*l.* a year!

Mr Mushet begins by calculating the loss which the fundholders have sustained in consequence of the interest of the unredeemed debt contracted previously to 1800 having been paid, for about twenty years, in a currency more or less depreciated. This is done as follows.—By an account of the National debt, laid on the table of the House of Commons 12th February last, it appears, that the unredeemed debt of Great Britain on 1st February 1800, amounted to 413,534,042*l.*, and that the interest thereof, exclusive of the charge of management, amount-

ed to 15,611,864*l.* * Now, the average market price of gold from 1st February 1799 to 1st February 1800, was precisely 3*l.* 17s. 10½d. an ounce; so that neither more nor less interest was paid to the fundholders than what they had contracted for. From February 1800 to February 1801, however, the average market price of gold was 4*l.* 5s. an ounce; and of course the value of 100*l.* of Bank of England paper, in which the dividends were paid, was reduced to 91*l.* 12s. 4d. But if 100*l.* bank paper was worth only 91*l.* 12s. 4d. standard currency, 15,611,864*l.* the interest of the debt, was worth only 14,303,069*l.*; and hence the loss sustained by the fundholders, in consequence of their receiving their interest in this depreciated currency, must have been, in this first year of the depreciation, 1,308,795*l.* Mr Mushet has made a similar calculation for each of the subsequent years; and he finds the total loss arising to the fundholders, by reason of the debt contracted previously to 1800 being paid, until 1821, in a depreciated currency, to amount to 27,741,642*l.*

But, as we have already observed, the fundholders lost not only when the interest of the debt existing previously to 1800 was paid in depreciated paper, but also when the interest of loans subsequently contracted in depreciated paper was paid in paper that had been *further depreciated.* This forms the second division of Mr Mushet's Tables; and he finds, that the fundholders have thus lost an additional sum of 5,440,377*l.* The losses of the fundholders, however, do not terminate here: For it is perfectly fair to assume, that if they had received their interest in *standard currency,* that portion which they are shown to have lost would have been accumulated as capital, and laid out at interest. And, therefore, in the third division of his Tables, Mr Mushet has calculated the *compound* interest lost by the fundholders, by having the interest of the debt existing in 1800 paid in depreciated paper, which amounts to 17,418,255*l.*: And, following the same principles, Mr Mushet has next calculated the interest of the interest lost to the fundholder by having a part of the loans contracted since 1800 paid in paper still more depreciated, which amounts to the farther sum of 2,466,968*l.* Adding these sums together, it appears that the fundholders have, in consequence of the late fluctuations in the value of money, sustained a total loss of 53,067,242*l.*

On the other hand, the fundholders have gained upon those loans, the interest of which has been paid in a more valuable

* The total unredeemed funded debt of Great Britain and Ireland amounted, on 5th January 1821, to 801,565,310*l.*, and the interest to 30,149,920*l.*

currency than that in which they were contracted, to the extent of 9,957,009*l.* Mr Mushet has also calculated the *compound* interest on these gains in the same manner as he did on the losses of the fundholders, and he finds it amounts to 1,880,787*l.*; which makes the total gains of the fundholders, by receiving their interest in a currency more valuable than that in which the loans were made, 11,837,796*l.*

'This sum,' says Mr Mushet, 'being deducted from the aggregate losses of the fundholders, amounting to 53,067,242*l.*, leaves a balance of 41,229,446*l.* This sum, at 5 per cent, would constitute an annual loss of 2,061,472*l.* But, on the debt contracted above that redeemed from 1801 to 1820, there is an increase of interest paid, in consequence of the currency being restored to its legal value (Table, No. 199), amounting to 1,988,768*l.*; which, being deducted from the annual interest lost to the fundholders by the depreciation of the currency, leaves a permanent annual loss to the fundholders of 72,704*l.* If we value this loss at 20 years' purchase, the whole loss to the fundholders will be 1,454,060*l.*'

In the first edition of his Tables, Mr Mushet made all his calculations at *simple* interest. This, however, was clearly an error, and has been very properly corrected in the second edition. The accumulated loss on every 100*l.* a year, of which the fundholders have been deprived by reason of the interest of the debt existing in 1800 having been paid, for twenty years, in a depreciated currency, instead of being 2950*l.*, as stated by Mr Mushet in his first edition, is really 3300*l.*, as stated by him in his second edition; for, an annuity of 100*l.* a year, accumulating for 20 years at 5 per cent. compound interest, amounts to that sum. It cannot be denied, that if the fundholders had received payment of their dividends in undepreciated paper, they might have accumulated them in this way:—They might not only have saved the sums of which they were unjustly deprived, and their interest, but they might, and it is most probable that they would, have gone on constantly adding them to their capital. Besides substituting calculations at compound for calculations at simple interest, Mr Mushet has made some other corrections in the last edition of his Tables. In their present form, they are the fruit of much laborious and careful calculation, and may, we believe, be considered as perfectly accurate, and as having for ever set to rest the important question regarding the gains and losses of the fundholders, from the late fluctuations in the value of the currency.

We have now, we hope, said enough to show that the proposal which has been so rashly made for reducing the public debt can neither be defended on the grounds of necessity nor of justice—and that, therefore, any attempt to carry it into effect

would be really an attempt to commit an open and barefaced robbery of a particular class of the community, whose rights are as sacred, and ought to be as much respected, as those of any other class. But, although we were wrong in both these conclusions—although the forcible reduction of the claims of the fundholders were a measure dictated alike by necessity, and by a sincere desire to give effect to the principles of fair and impartial justice, we should still be as much entitled as ever to object to its being done by a *reduction of the standard of money.* Why attempt to accomplish that by a mean and paltry subterfuge, which may be much better accomplished by a manly and open proceeding? If the debt is to be reduced, it is surely as easy a matter to pass an act ordering 10 or 20 per cent. to be deducted from the dividends, as it would be to pass an act ordering 10 or 20 per cent. to be deducted from the value of the money in which they are paid. An act simply reducing the dividends would have that effect—and it would have *none else.* It would diminish the debt; and it would not also vitiate and falsify every existing contract, and occasion that universal robbery of private creditors which must always result from the degradation of the standard. 'Whatever, therefore,' to avail ourselves of the just and forcible expressions of Mr Harris, 'may be the fate 'of future times, and whatever the exigencies of affairs may 'require; it is to be hoped that that most awkward, clandestine, 'and most direful method of cancelling debts by debasing the 'standard of money, will be the last that shall be thought of.'*

ART. XII. *Histoire des Français.* Par T. C. L. SIMONDE DE SISMONDI. 3 vols. 8vo. Treuttel & Züitz. Paris & London. 1821.

THE author of the historical work now before us is already well known to our readers. His talents, his principles, and his peculiar qualifications for his present most arduous undertaking, cannot be better described than in the following passage of a writer whose judgment is of undisputed authority, in whatever relates to the early history of the European nations.

'The publication of *M. Sismondi's Historie des Républiques Italiennes,* has thrown a blaze of light around the most interesting, at least in many respects, of European countries during the middle ages. I am happy to bear witness, so far as my own studies have enabled me, to the learning and diligence of this writer; qualities

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* Harris on Money and Coins, Part II. p. 108.

which the world is sometimes apt not to suppose, when they perceive so much eloquence and philosophy. I cannot express my opinion of M. Sismondi, in this respect, more strongly than by saying, that his work has almost superseded the Annals of Muratori. I mean from the twelfth century: before which period his labour hardly commences. Though doubtless not more accurate than Muratori, he has consulted a much more extensive list of authors; and, considered as a register of facts alone, his history is incomparably more useful. These are combined in so skilful a manner as to diminish, in a great degree, that inevitable confusion which arises from frequency of transition, and want of general unity. It is much to be regretted, that, from too redundant details of unnecessary circumstances, and sometimes, if I may take the liberty of saying so, from unnecessary reflections, M. Sismondi has run into a prolixity which will probably intimidate the languid students of our age. It is the more to be regretted, because the history of the Italian Republics is calculated to produce a good far more important than storing the memory with historical facts:—that of communicating to the reader's bosom some sparks of the dignified philosophy, the love for truth and virtue, which lives along its eloquent pages.'—*Hallam's Middle Ages*, I. 232, *note.*

That a writer thus endowed should have employed his powers on so great a subject as that which now occupies them, is the more fortunate, because the History of France is a book which remains to be written. It is one of the most important chasms in the literature of Europe. On the field which he has now chosen, M. Sismondi must be considered, not as having rivals to surpass, but as having an entire deficiency to supply. *Daniel*, and even *Mezeray*, are no longer read. *Velly* is a cold and languid compiler, whose narrative is very incomplete, and who is more inaccurate than is excusable in a writer who is so little turned aside by reflection from inquiring into facts. *Henault's* Abridgement is no more than a portable book of reference, and a convenient help to the recollection of those who are already acquainted with history. * It were to be wished, indeed, that, for the same useful purposes, we had an abridgement of British History equally well executed. The want of a

* The President *Henault* represents himself (Mem. de l'Acad. des Inscrip. xxviii. 611.), though with no great truth, as an imitator of Velleius Paterculus, whose work he calls the Model of Abridgements. A more unfortunate model could not well be imagined. Velleius was an ingenious, and sometimes a brilliant writer, of impure taste, whose antithetical characters, and rhetorical commonplaces, which would not be beauties of a high order any where, are very gross blemishes in an historical abridgement.

History of France is rendered more remarkable by the abundance of materials which offer themselves to the historian. In recent times, the French Memoirs exceed in value, still more than in quantity, those of any other nation; and their ancient history has been illustrated by 'the Collection of the Historians and the Ordinances of the Kings;'—great national works, conducted under the patronage of successive Governments, which survived the Revolution, and were resumed as soon as tranquillity began to reappear in the reign of Napoleon. Both these works are still a reproach to Great Britain. We have no collection of our ancient historians, and no complete and authentic publication of our Parliamentary Records; though it be well known that men, admirably qualified for the conduct of both these national works, are ready to offer their services, whenever the necessary support shall be afforded by Government.

It would be difficult perhaps to devise a plausible reason for the want of historical talent among a nation like the French, eminently distinguished in almost every other department of literature. Though history requires freedom more than most exertions of the human mind, yet the form of the French Government does not perhaps sufficiently explain this singular deficiency. Even the great historian who ascribes to slavery the fall of Roman history after the usurpation of Augustus, has justly added, that historical truth was then violated, not only by the base flatterers of tyrants, but more dangerously, because more speciously, by the indignation which tyranny excited. The milder monarchies of modern times neither exacted such undistinguishing adulation, nor inspired such strong abhorrence. Absolute monarchy, however, in its most moderate form, is no doubt destructive of the free spirit which is the soul of history; and it is remarkable that, as long as an irregular liberty was kept up by civil wars and religious controversies, France produced considerable historians. It was not till the establishment of a polished and peaceable despotism in the boasted age of Louis XIV., that the voice of history was utterly silenced. He indeed employed men of genius to compose the history of his reign. But he was ignorant that their genius must forsake them in the composition of a narrative which was to be approved by their master, when they were degraded in their own eyes by the consciousness of dependence and partiality. It did not escape the sagacity of Tacitus, that the decline of history under the Imperial Government was in part * caused by the exclusion of the people from public affairs. In popular States, even where the historian himself has no di-

* *Partim inscitiâ Reipublicæ, ut alienæ.*

rect experience of public business, he at least breathes an atmosphere full of political traditions and debates. He lives with those who think and speak more of them than of most other subjects. He cannot be an utter stranger to the spirit of civil prudence. Under absolute monarchies, on the other hand, the few who know the causes of events are either afraid to write, or see no importance in any thing but the intrigues by which they obtain and preserve power; and the task of writing history is necessarily abandoned either to mere compilers, or to sophists and rhetors, who, of all men, are the most destitute of insight into character, and of judgment in civil affairs.

Another cause of the decay or absence of historical talent in France, is probably to be found in the want of habits of research among their late popular writers. The genius of history is nourished by the study of original narrators, and by critical examination of the minute circumstances of facts. Ingenious speculation and ostentatious ornament are miserable substitutes for these historical virtues; and their place is still worse supplied by the vivacity or pleasantry which, where it is most successful, will most completely extinguish that serious and deep interest in the affairs of men, which the historian aims to inspire. An historian is not a jester or a satirist. It is not his business to sneer or laugh at men, or to lower human nature. It is by maintaining the dignity of man, and the importance of his pursuits, that history creates a fellow-feeling with his passions, and a delight in contemplating his character and actions.

'My work,' says M. de Sismondi, 'was begun and completed from the originals, according to the advice which I formerly received from the great historian John de Muller. I studied history in the contemporary writers. I endeavoured to represent it in the light in which it appeared to them; and it is only after having exhausted these original authorities, and formed an unprejudiced opinion from them, that I had recourse to subsequent writers. Then only I often learned the existence of historical controversies, of which I had not before suspected the possibility. I have lost something by this process; but the contrary method would, I think, have been more injurious. History, thus contemplated at its source, appears to me so new, so different from what I supposed it to be, that I seem to myself to have gained more by guarding against the prejudices of compilers, than I can have lost by renouncing the aid of their information.' *Introd.* xxvii.

Though this language may seem to indicate too rigorous an exclusion of modern aid, there is nothing more certain than that the history of remote ages can never be composed as it should be, unless it be chiefly drawn from original writers. The importance of this practice to truth is obvious; yet no man with-

out experience can know the full extent of the danger of trusting even to the best compilers. In long works, oversights are inevitable; and, in the course of time, small inaccuracies are, by the negligence of successive compilers, magnified into considerable, and sometimes essential errors. Whoever traces a remarkable story through a long series of historians, will often be astonished at the utter dissimilarity of the last to the first edition, though in each intermediate stage the additions or alterations may be almost imperceptible. There are few countries in which the truth of history has suffered more than in England, from the indolence with which almost every one of our modern historians has taken the basis of his narrative from his predecessor. A better spirit has indeed lately shown itself; * and, when Government have done their duty by making public the ample materials under their control, we may hope to see our ancient history illustrated from authentic sources.

But it is not to accuracy only that the consultation of original authorities is essential. The delight with which we peruse the history of ages long passed, depends chiefly on its lively and picturesque representation of men, manners, and events. But these are only to be found in the dramatic narrative of the eye-witness or the contemporary, who had always seen the manners which he paints, and had generally felt some degree of the passions which actuated his heroes. The spirit of these original narratives evaporates when they are poured from compilation to compilation. If a modern historian can recover this charm, it is only when he either borrows directly from the first sources, or when frequent and familiar contemplation of them has kindled his imagination, and enabled him to *antiquate* his feelings, so as to become for a moment the contemporary of those ages of which he is the historian. Nothing, therefore, is more true, however paradoxical it may seem, than that the means of amusement, and, what is more, of interest, are to be found by a modern writer of adequate talents, chiefly in those researches into antiquity, and that diligent study of ancient writers, which appear so tedious to indolent readers, and may be represented in so ludicrous a light by men of wit. The narrative of ancient events by a mere modern thinker, must always be uninteresting, because he never can paint, or even conceive, the feelings from which these events arose.

It is on the sympathy which History excites that its moral effect depends. The moral improvement to be derived from all

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* Particularly in the work of Mr Lingard, which, when it is completed, will call for our most serious attention.

narrative, whether it be historical or what is called fictitious, is in proportion to the degree in which it exercises and thereby strengthens the social feelings and moral principles of the reader. In both cases it excites emotions similar to those inspired by the men and actions which surround us in the world. Our habits of moral feeling are formed by life;—and they are strengthened by the pictures of life. In the perusal of History or Fiction, as in actual experience, we become better by learning to sympathize with misfortune, and to feel indignation against baseness. The narrative of events which have occurred, or which may probably occur, is thus one of the most important parts of the moral education of mankind. It is not, however, by the commonplace and trivial moralities which may be inferred from, or illustrated by every narrative, that the historian contributes to the morality of his readers. These general conclusions are already known to every child; and nothing has less effect on the character or feelings than the repetition of such paltry adages. He can improve his readers only by interesting them; and he can interest them only by that animated representation of men and actions which inspires feelings almost as strong as those which are excited by present realities. Delight and improvement must therefore be produced by the very same means; and if the history of former ages be delightful only when it has the picturesque particularity of original writers, it must depend also in part on the study of the same writers for the attainment of its highest purposes.

Nor are these the only circumstances in which History, when rendered picturesque and characteristic by its adherence to contemporary documents, is superior to those narratives in which modern speculations predominates. It is not only more accurate, more interesting, and more moral, but it also affords more instruction to the politician, and better materials for the philosopher. As long as the events preserve the colour of the age in which they passed, the statesman is in no danger of being so misled by history as to consider the precedents of a remote antiquity as fit to be slavishly adopted in a totally dissimilar condition of society. The speculations of a modern compiler discolour and disguise the facts of ancient history. They are seen through a different medium; and being combined with modern passions and prejudices, are indeed no longer the same facts. From such materials the philosopher can form no true judgment of the spirit and character of former times. No inferences from them can afford a solid foundation for a theory of the nature and progress of society.

To illustrate these general remarks, we subjoin a specimen

of the difference between an ancient narrative and a modern abridgement.

In speaking of the administration of Charles Martel, the Abbe Velly has the following passage.

'France owes to the victory of Poitiers, the preservation, or, at least, the free exercise, of the Christian religion. Without the intrepid arm of the prince who crushed the Saracens, she might perhaps have been compelled to embrace Mahometanism. Yet the clergy laboured to blacken his memory. We read in a synodal letter ascribed to Hincmar, that the body of Charles was carried away to hell; and that, on opening his grave, nothing was found but a frightful dragon and a pestilential smell. This ridiculous story is founded on a revelation of St Eucherius of Orleans, though that prelate died before Charles Martel. It is obvious that it is a fable invented to intimidate those princes who might be tempted to lay their hands on the property of the Church.'—*Velly, Hist. de France*, I. 183.

Let us now see the ancient narrative, as it is (in our opinion judiciously) copied literally by M. de Sismondi.

A hundred and twenty years after the death of Charles Martel, the clergy of France, assembled at Kiersi in a National Council, condemned his memory in the following letter to Louis the Germanic.

'It is because Prince Charles, father of King Pepin, was the first of the Kings and Princes of the Franks to divide and separate the property of the Church, that, for that cause alone, he is damned eternally. We know, in fact, that St Eucherius, bishop of Orleans, whose body rests in the convent of St Frudon, being in prayer, was carried into the world of spirits; and that, among the things which he saw, and which the Lord showed him, he recognised Charles exposed to torments in the lowest depths of hell. The angel who conducted him being interrogated on this subject, answered, that, in the judgment to come, the soul and body of him who takes away the goods of the Church shall be exposed, even before the end of the world, to eternal torments, by sentence of the saints who are to judge with the Lord. The sacreligious plunderer shall be laden with the penalties not only of his own sins, but of the sins of those who had bestowed their property, for the love of God, on holy places, on the lamps of divine worship, on alms to the servants of Christ, and for the redemption of their own souls. St Eucherius, when he came to himself, called St Boniface, and Fulrad, abbot of the convent of St Dennis, and first chaplain of King Pepin, to whom he related these things. He recommended that they should go to the sepulchre of Charles; and that if they did not find his body there, it would be a proof of the truth of his vision. Boniface and Fulrad accordingly went to the convent, where the body of Charles had been interred; and having opened his tomb, a dragon instantly sprung out of it, and it was blackened in the inside, as if he had been burnt. We

ourselves have seen men who lived till our times, and who were present at these occurrences, and they attested the things which they saw and which they heard. These things coming to the knowledge of Pepin, he caused a synod to be assembled at Leptines, at which St Boniface, together with George, a legate of the Apostolic See, presided. We have the acts of this synod, which attempted to restore all the ecclesiastical property which had been taken; but as Pepin could not restore them all, on account of his war with Gaifer, prince of Aquitain, he at least mortgaged them to Bishops, directing that they should pay tithes, and that each household pay twelve pennies to the Church till the whole could be restored.' *

How faint is the modern abridgement,—and in what lively colours does the original letter display the sordid rapacity, the rancorous malice, the impudent imposture, the gross ignorance, of a whole national church, and the wretched state of nations and sovereigns, who could be duped by such clumsy falsehoods!

The history of the Kings of France, of the first race, corresponds nearly in time with that of the Saxon heptarchy. The reigns of the Carlovingian line, though they terminated fourscore years before the Norman invasion, have some resemblance to the period of our history which extends from the supremacy of Egbert to the accession of William. The French historians have hitherto embroiled and disfigured their early history, by confining their view to the Frankish principality of Clovis, which indeed the Kings of France have considered as the original basis of their monarchy, but which was not the earliest, nor for a time the most considerable of the Germanic States established in Gaul. In the first years of the fifth century, while the Franks were obscure auxiliaries in the Roman armies, the Visigoths founded a powerful monarchy in the southern part of Gaul; and the north-eastern portion of the same great province became the seat of the power of the Burgundians. At one moment it appeared probable that the Visigoths would acquire the ascendancy; and the circumstances which conferred it on the Franks, were not of such a nature as to promise so favourable a result. The Burgundians and Visigoths, issuing from distant countries, had migrated with their families, and became fixed in their new possessions, soon after their entrance into Gaul.

* It is remarkable that all the natural, as well as preternatural part of this letter, is false. George did not preside at the council of Leptines: that council was not assembled by Pepin, but by Carloman. It did not discuss either the damnation of Charles Martel, or the restitution of property to the Church; and St Eucherius died three years before Charles Martel!

After they thus became cultivators, it was difficult to assemble any large portion of them under arms. But as the original seats of the Franks were near the Roman frontier, their wives, children, and old men remained in their ancient possessions; while the fighting men alone followed Clovis. That chief, and his immediate successors, lived in the camp, in the midst of their Frankish army, who were ready for every military enterprise, and whose concentrated force held the scattered people of Gaul in subjection; as the Turkish soldiery of Barbary enable their Deys to oppress many millions of inhabitants who abhor their yoke. Like these barbarous tyrants in another respect, the Merovingian Kings were often the victims of the military democracy, whose support was the sole foundation of their power.

There is perhaps no part of history which exhibits maxims of state and usages of war so barbarous as those of Clovis and his descendants. When he had established himself at Paris, after his return from the Gothic war, his first care was to secure his throne, by the destruction of all the petty chieftains of the long-haired race who ruled over the other tribes of Franks. His first victim was Sigebert, king of the Ripuarians, who, being lame, had sent auxiliaries, under the command of his son Chloderic, to the army of Clovis. In the free intercourse of a camp, Clovis suggested to the young Prince the assassination of his father, and promised to secure him in the possession of the government. Thus tempted, Chloderic murdered his father; but Clovis, instead of paying the reward of the crime, caused the murderer to be assassinated; and, calling together the Ripuarians, he swore before them that he had no share in the death of their princes. He then offered himself to be their ruler, and was accepted. By various expedients of the same faithless and atrocious sort, he extirpated the whole race of Frankish princes, and seized on their dominions. 'Thus,' says Gregory of Tours, 'every day God made some of his 'enemies fall into his hands, and extended the limits of his 'kingdom; because he walked with an upright heart before the 'Lord, and did that which was pleasing in his sight!'* Among the posterity of Clovis, it seems to have been almost a constitutional principle, that the security of the Monarch required the destruction of all the Princes of the Royal Blood: And as brothers were the most dangerous rivals, fratricide was the established usage. 'Chramnes,' says Gregory of Tours, 'after 'his defeat by his father Clotarie, against whom he had revolted, attempted to escape by sea; but having delayed his embarkation till he could also place his wife and daughters in se-

* Greg. Turon. Lib. II. c. 40.

'curity, he was taken and loaded with chains by the soldiers of 'his father. The king commanded his son to be burnt, with 'his wife and daughters. He was, accordingly, imprisoned in 'the hut of a poor man. The soldiers set fire to the house, 'and the prince, with his wife and children, perished in it.' * Manners the most dissolute prevailed during this period of atrocious crimes. The tragical history of Brunehault and Fredegonde affords a sufficient example of the domestic life of the Merovingians. We have seen how the ecclesiastical historians of those times treated the crimes of their sovereigns; and we need scarcely any other characteristic feature of the age, but that, in the fourscore years of the reigns of Clovis and his sons, under kings so ferocious and dissolute, and when ecclesiastics were so indulgent to their vices, the clergy of France furnished no less than seventy-one saints to the Calendar. To these seventy-one saints, the produce of such an age, the most enlightened nations of Europe still appear to ascribe miraculous powers, and the privilege of interceding with the Deity for offending mortals; while the souls of Socrates and Marcus Aurelius are doomed to irrevocable perdition! If any law or usage could now be traced to the time of Clovis, and shown to have originated among the faithless savages who then disgraced the human name, it would be represented to us as a monument of venerable antiquity, which the hand of reformation could not touch without barbarity or even impiety.

The origin of the Carlovingian family, and their progress to supreme power, are more fully and clearly stated by M. Sismondi than by any other modern historian. Under the Merovingians, the direct authority of the kings of the Franks extended from the Loire to the Rhine. They were connected, by ties which continually varied in their strength, with the Germanic provinces beyond the Rhine, and their supremacy was acknowledged by the two conquered kingdoms of Burgundy and Aquitaine; of which the latter was bounded by the Loire and the Pyrenees, and the former stretched from Alsace to the Mediterranean. The Frankish monarchy itself was divided into two parts, by a line drawn from the mouth of the Scheldt to Bar-sur-Aube. The part to the westward of the line was called Neustria: that to the eastward Austrasia. In the beginning of the seventh century, Pepin, called De Landen, and Arnulph, who afterwards became bishop of Metz, were distinguished as leaders of the aristocracy, which the progress of civilization began to form in Austrasia; and in the last years of the same century, their grandson

* Greg. Turon. Lib. IV. c. 20, 21.

Pepin, called l'Heristal, from his castle near Liege, governed that kingdom under the title of Mayor of the Palace to the imbecile descendant of Clovis, who retained the name of King. From 687 to 714, Pepin ruled the monarchy of the Franks under the nominal sovereignty of four princes, whose names only are known to posterity. In 720, his natural son, Charles Martel, became the sole ruler of France. About the same time, the victorious Mahometans made themselves masters of that part of Languedoc which had been subject to the Gothic monarchy of Spain. In 732 they were defeated near Poitiers * by Charles, in that celebrated battle which is generally believed to have preserved Christendom from the Mussulman yoke. The character, manners, and opinions of the hero to whom this great deliverance is ascribed, are almost entirely unknown to us. The meagre chroniclers of that legendary age, give us no particulars of his private life, and do not mention the name of any captain or counsellor who contributed to the glory of his reign. He died in 741, leaving two sons, Carloman and Pepin, of whom the second, surnamed the Short, after the retreat of his elder brother to a monastery, obtained the government of Austrasia as Duke, and that of Neustria as Mayor of the Palace. The title of King had, for some time, ceased in the former province. It continued in Neustria to be enjoyed by a Merovingian prince till 752, when, by a revolution, of which we know scarcely any circumstances, the crown was openly transferred to Pepin, who had long before possessed the regal power. Eginhard, the minister of Charlemagne, gives the following imperfect account of the elevation of the Carlovingian race to the throne. 'Burchard, Bishop of Worms, and Fuhad, the chaplain of Pepin, were sent to Rome to Pope Zachary, to consult the pontiff on the kings who then existed in France, and who had only the name of kings, without any royal power. The pontiff answered, that it was better that he should be king who exercised the royal power; and having sanctioned this with his authority, he caused Pepin to be constituted king.' The continuator of Fredegiare, who wrote under the direction of Pepin's uncle, adds, 'That then, with the advice and con-

* Mr Hallam complains that he cannot fix the field of battle more nearly than by describing it as being between Poitiers and Tours. M. Sismondi says that the Mahometans 'had *scarcely passed* Poitiers when they met Charles and the army of the Austrasian Franks.' Whether he is sufficiently warranted in this apparent precision, we dare not venture to decide, without a critical examination of his authorities.

'sent of all the Franks, and with the authority of the Apostolic 'See, by the choice of all France, the consecration of the Bi-'shops, and the submission of the Princes, Pepin was raised to 'the throne, with his queen Bertrade, according to the ancient 'usages.'

'We know nothing more,' says M. de Sismondi, 'of this great event, but that Pepin was raised on the Buckler, or seated on the throne at Soissons—that this ceremony probably took place on the 1st of March 752, in the general assembly of the nation—and that Childeric III., of whose age, manners, and character, we are entirely ignorant, having received the ecclesiastical Tonsure, was placed in a convent at St. Omers, where he died in 755.'

This imprisonment of a deposed monarch, instead of his murder, and several other facts of a similar nature in the policy of the House of Pepin, show some progress of humanity from the barbarous times of the first descendants of Clovis.

The Saxon heptarchy in England differs, in several not unimportant respects, from the corresponding period of French history. Clovis and his Franks rapidly overran Gaul. But the Saxon pirates could only reach Britain in small bands, as the rude navigation of that age afforded the means of conveying them. Their progress was proportionably slow; and it was more than a century and a half before they were masters of the greater part of England. The Frankish monarchy, originally extensive, was broken down by the custom of equally dividing it among the sons of the sovereign. The principalities founded by unconnected Saxon chiefs, were, by a contrary process, gradually united under one monarch. Their number was such as to render their history both insignificant and obscure. During the heptarchy, the island of Great Britain contained about fifteen kingdoms, Saxon, British, and Scotch; and in one of the smallest of them, the kingdom of Kent, there were at one time three chiefs, on whom the annalists bestow the title of King. The number of these petty principalities, while it exposed the country to perpetual and cruel wars, preserved the princes from that fatal degeneracy which brought on the last descendants of Clovis—an appellation which might almost be translated 'Sinecure Kings.' * The whole life of the Saxon chieftains was a struggle for existence. They had no choice but to conquer, or to be conquered; and they could not, for a moment, have preserved even the royal title, without some exertion of sagacity and valour.

There is no period which can boast of greater names among its historians than that of the Anglo-Saxons. Milton and Burke

* 'Rois Faineans.'

undertook their history; and the powers of both these great men are splendidly displayed in this commencement of the annals of their country. Milton was perhaps the first of our general historians who dared to avow his disbelief of the legends which for centuries had been placed at the head of the history of England. Yet he deigns to relate them, for reasons worthy of himself; because the very belief of them was characteristic of a nation; because they might contain some traces of ancient tradition, and be evidence of manners, if not of events; and, lastly, as themes for the poet, on which he had himself once meditated to build an everlasting monument to the glory of his country. But criticism and research had not, in his time, sufficiently opened the way for the march of genius; and it was not until our own age that men of letters had become so satiated with civilization, as to contemplate with delight, and explore with enthusiasm, the remains of rude antiquity. Though much still remains to be done in this field, it must be owned that much also has been accomplished, even since the time of the last of these illustrious writers. The work of Mr Turner, full of new information, composed in the best spirit, and with conscientious industry, deserves very great commendation; and his account of the writings of Alfred, is alone sufficient to entitle him to the gratitude of every Englishman. The Saxon Chronicle has not yet undergone all the revision, and received all the illustration, to which so authentic and venerable a monument of our ancient history is entitled. A translation * of it has lately appeared, of so much intrinsic merit, and attended by such interesting circumstances, that we quit our subject for a moment to recommend it to public notice. It is the work of a young lady, who is the member of a family remarkable for every excellent quality, and who being, from her earliest youth, excluded by ill health from the ordinary amusements and occupations of her sex, has created for herself abundant resources and secure enjoyments, in the cultivation of literature. It is offered to the public with the greatest modesty, and, as far as we can presume to judge, it is executed with perfect fidelity.

It is observed by M. Sismondi, that the elevation of the Carlovingians to the throne is not to be considered as a mere change of dynasty. It was a new conquest of France by the Franks of Austrasia, who once more spread over the kingdom that Germanic character which had been impaired among the Neustrian

* A literal Translation of the Saxon Chronicle. (By Miss Gurney.) Printed at Norwich. Published by J. & A. Arch, London, 1819.

Franks, and almost entirely effaced in the provinces beyond the Loire, where the laws and manners of the Roman provincials still retained an ascendant. The original spirit of the Franks was most completely preserved in those countries which bordered on the unconquered part of Germany; and it was now again carried to the foot of the Pyrenees by the reduction of Aquitaine, and by the expulsion of the Moors from Narbonne and its territority, which they had possessed for near half a century. These occurrences, which are placed in a striking light by M. Sismondi, are slightly noticed by modern historians, intent on the intercourse of Pepin with Italy, which paved the way for the most splendid events in the reign of his son. But perhaps the most remarkable part of his history of Pepin is the good sense and frankness with which he lays open the extraordinary absence of information about so important a period. 'In that 'reign,' says he, 'France was absolutely without historians. 'Five or six anonymous chronicles have been collected, so la-'conic as rarely to allow two or three lines to each year. By 'means of these chronicles, we are able, with tolerable preci-'sion, to fix the date of events; but it is impossible to distin-'guish their causes or their nature. In none of them do we 'discover any trace of regret for the Merovingians, of repug-'nance to the usurpation of Pepin, or of enthusiasm for the 'new monarch. We shall not attempt to supply the place of 'information by conjectures; for it is an essential part of his-'torical truth to distinguish those times of which nothing is 'known.' The perusal of Velly's narrative is indeed enough to show how the void of historical matter may be filled up by commonplace declamation, and by the puerile amplification of a few facts, without even that exercise of ingenuity which specious conjecture requires.

One anecdote is a curious specimen of the morality of the most eminent Ecclesiastics in the age of Pepin. Pope Constantine, who had been deposed and blinded by the Lombards in 768, was brought before a council of Bishops assembled under the Presidency of his successor Stephen III. He was charged with having suffered himself to be raised in one day, from a mere layman, through all the ecclesiastical degrees, to the dignity of Supreme Pontiff. When he attempted to justify himself, the Prelates, assembled in council in presence of the Pope, fell on the old blind man, and almost tore him in pieces, though some had received eminent dignities from him, and all had been in communion with him as head of the Church. The capitularies, or laws of Pepin, are an authentic monument of the depravity both of the clergy and laity of that age. 'If a Priest,' say they, 'has married his niece, he must be de-

'graded, and he is to separate from her; but if another then 'takes her, he also is to repudiate her; and if he has not the 'gift of continence, let him rather chuse another woman; for it 'would be reprehensible in any other man to keep a woman 'whom a priest had divorced.' It is also stipulated in the same capitulary, that 'if a man already married shall have seduced his 'daughter-in-law, his mother-in-law, or his sister-in-law, the 'marriage shall be dissolved, and neither he nor his para-'mour shall be permitted to marry again.'—'A free man' says the 8th article of the same capitulary, 'who shall kill his father 'or mother, his brother or uncle, *shall lose his own inheritance;* 'and he that commits incest with his mother, his sister or his 'aunt, shall incur the same forfeiture.'

The reign of Charlemagne is, beyond all question, the most splendid period of the history of Europe, from the fall of the Roman empire in the West, to the taking of Constantinople by the Mahometan Barbarians. The Frankish monarchy, under that great Prince, was the first extensive empire which the Teutonic nations had made sufficient advances in the arts of war and policy to establish. The greatest of the kings of France, the restorer of a titular empire of Rome which was shortly transferred to Germany, he appears, as it were, at the head of the history of the most powerful nations of the Continent, and seems to be the founder of the modern system of European society. Under his reign, too, historical monuments became fuller and more numerous. Even the chronicles sometimes allow half a page to a year of his annals. Eginhart, his Secretary or Chancellor, has transmitted to us, though too briefly, yet with familiar knowledge, and sometimes with affectionate minuteness, the circumstances of his life. His collection of the laws of the Germanic nations, and those which he himself added to these codes, show a strong inclination, and as much capacity as could exist in his time for legislation; and whether he be considered as the collector of the ancient martial songs of the Franks, or as the founder of schools in which the learning of his age was taught, we recognise in him that sense, however indistinct, of the superior worth of literature, which is the characteristic of a generous barbarian. The final success of his long wars against the Saxons, afforded the first example, since Julius Cæsar, of the superiority of the military discipline, which cannot exist without some civilization, over the ruder valour of savage tribes. He carried his victorious arms into the countries which had for four centuries poured their destroying bands over the prostrate South; and, from that moment, the progress of improvement in Europe, though occasionally disturbed, was never interrupted by the irruption of Northern invaders. 'He gave to France,' says M. Sismondi,

'a preponderance which she had not attained in the three centuries which preceded him, and which she did not recover in the ten centuries which have since elapsed, *till the times which we have ourselves seen.*'

In the unusually minute accounts of his life which we possess, it is evident that, in all those acts of a monarch where personal character is allowed free scope, his generosity and clemency were far above his age; and that the dreadful military executions to which he had recourse, after repeated aggressions by the Saxons, are rather characteristic of the laws of war, in that fierce age, than symptoms of a cruel disposition in the Conqueror. His attempts to join the Danube and the Rhine by a canal, is one of the most remarkable proofs of his superiority to his time, in which there were not to be found scientific knowledge and mechanical skill capable of executing a conception of such useful grandeur. 'Before the time of the Lord King Charles,' says an anonymous old chronicler, called the Monk of Angoulême, 'there was in France no study of the liberal arts.' His love of knowledge was admirable, and his proficiency in it not contemptible for a monarch of the Franks, who was the conqueror and lawgiver of Europe. He appears to have been ignorant of no science known to any man of his age. He spoke Latin, and understood some Greek. Late in life, and with less success than in other pursuits, he attempted to write—then not the first part of the most common education, but the exclusive occupation of copyists and secretaries. We may easily believe his secretary when he tells us, that the eloquence of his imperial master was copious; that he could give due utterance to his exalted thoughts; and that, like all men who possess the arts of persuasion, he might be charged with sometimes abusing them. He was remarkable for temperance; a rare virtue among barbarians. His sorrow for the death of his sons, and his affectionate indulgence towards his daughters, however regarded as frailties by stern warriors or more stern monks, raise his character above his time, and bring it still more near to that of a civilized hero. He repudiated his wife on grounds of policy. The ascendant of another is said to have caused some part of his severity towards the Saxons; and he practised the concubinage which the usages, and even the laws of Europe, then allowed.

It is the singular fortune of his reign, to be as much the theme of heroic fiction as of genuine history. His retreat from Spain, through the Pass of Roncesvalles in the Pyrenees, an almost invisible incident in his exploits, became the subject of these romances of chivalry, which were for ages

the delight of all the European nations, and which at length furnished materials for the genius of the most original and delightful poets of modern ages. The splendour of his name is brightened by the renown of contemporary sovereigns. *Haroun al Raschid*, in the midst of a court more magnificent and more learned than that of the Franks, respected the fame, and sought the friendship of the conqueror of the West; and *Wittikind*, the savage hero of Germanic independence, after having long resisted the arms of Charlemagne, was finally subdued by his generosity. The great object of his reign was to reduce to obedience those fierce tribes of Germany who continued to threaten the infant civilization of the southern nations. This object he attained. He carried the religion, the manners, and the arts of the civilized world to the frontiers of Scandinavia; and he made Germany the bulwark, instead of being the terror, of more refined countries. One danger alone remained, of which he lived to see a specimen. The rude and ferocious tribes, who, under the various names of Saxons, Normans, and Danes, inhabited the country which extends from the mouth of the Elbe to the northern extremity of Europe, being excluded, by the conquest of Germany, from expeditions by land, and probably also exasperated by the rigour with which the victorious Franks had treated their conntrymen, renewed the maritime and predatory warfare of their ancestors, and for more than a century inflicted the most terrible calamities on England and the northern provinces of France. But this evil was limited, both in extent and duration, when compared with the movements of those migrating nations who overrun the Western empire. The numbers who could be conveyed by sea, in a single expedition, was comparatively small. The more civilized nations were increasing their means of maritime defence, which, beyond any other species of warfare, depends on the progress of art and of science; and, at the same time, the religion, laws, and government imposed by Charlemagne upon Germany, gradually penetrated into the wildest recesses of the North, and dried up the source of barbarous invasion, by rendering those nations members of the commonwealth of civilized Europe, who had hitherto been its inexorable and formidable enemies.

The history of Charlemagne, in this work, is incomparably the best that we have ever read. The narrative is full and accurate, uniformly supported, and often animated, by original documents. The events are disposed in the clearest order; the authorities are weighed with critical judgment; curiosity and research are everywhere directed to proper and important subjects; the language is natural and spirited; the narration is at

the same time instructive, interesting, and amusing; and if we were desirous of pointing out the best general account of the state of the world in the beginning of the ninth century, we should have no hesitation to name M. de Sismondi's History of Charlemagne.

After the death of Charlemagne, the history of France ceases to inspire much interest. The rapid decline of his family, their total want of talent and energy, are agreeable to the general course of royal families in all barbarous countries, and in most absolute monarchies. There is perhaps no family in history who can boast a succession of such men as the two last Pepins, Charles Martel and Charlemagne. Stimulated by the most powerful passions of human nature, they displayed all the activity and vigour by which empires are founded, and private men rise to supreme power. In such an age as that in which they lived, the mind of a sovereign, when not excited by a passion for conquest and the love of military glory, sinks into apathy and lethargy. There are no other excitements to activity. The king who is not a warrior, throws the reins of government into the hands of his servants, and abandons himself to pleasure, to superstition, or to mere indolence. It is doubtful whether a people do not suffer more from the neglect of all the duties of government by these feeble princes, however pacific or humane, than by the wars of ambitious but sagacious conquerors, who pursue their own interest too keenly to tolerate subaltern oppressors. In civilized governments, the laws preserve the monarchy, in spite of the feebleness of a royal family. But in semibarbarous countries, the loss of mental energy is in no long time followed by the fall of the degenerate dynasty.

In relating the contests between the feeble descendants of Charlemagne, M. de Sismondi tells us that, 'in almost every 'country in Europe, the friends of liberty have been ruined by 'placing princes at their head.' This reflection, very natural in the mouth of a friend of liberty in 1821, is not very applicable to the uninteresting revolts of the sons of Louis le Debonnaire, a thousand years ago. There is not the least evidence that these revolts were connected with any political principles—that they were influenced by any regard to liberty—that they were provoked by oppression, or intended to obtain a redress of grievances. They were the blind movements of turbulent armies, or of an inconstant populace, who were mere instruments in the hands of ambitious leaders, contending for a power which they were on all sides equally incapable of reasonably and virtuously exercising. These contests terminated in the final dismemberment of the Frankish empire. The treaty of Verdun,

in 843, assigned all the provinces beyond the Rhine to Louis the Germanic; all that part of Gaul which lies to the west of the Rhone, the Soane and the Meuse, to Charles the Bald; and the whole of Italy, with the remaining portion of Gaul, and the imperial title, to Lothaire, the eldest grandson of Charlemagne. This partition had permanent consequences. It may be considered as having first established the monarchy of France and the empire of Germany. It appears, from a remarkable transaction of the preceding year 842, that the national difference of languages had already prepared the way for the conversion of France and Germany into distinct States. In that year, Louis the Germanic and Charles the Bald, in a great assembly held at Strasburg, pronounced an oath of alliance in the two languages spoken by their respective followers; in the Frankish, still preserved by the Germans; and in the Romance, formed in France by the mixture of Latin and Teutonic, which is the parent of the modern French. It is remarkable that the northern part of the Transalpine dominions of Lothaire, destitute of distinct national characteristics, and irregularly divided between Teutonic and Romance dialects, have, for ten centuries, been the scene of contest between the French and German nations.

The last century of the Carlovingian line is without great men or splendid events. But it is remarkable for one of the greatest revolutions which have ever occurred in the internal order of society—in the nature of landed property—and in the distribution of public authority. It was during this obscure and miserable period that the feudal system was completed. By the capitulary of *Kiersy-sur-Oise*, in 877, the governments of provinces by Counts were either made or acknowledged to be hereditary. This establishment rendered the inheritable nature of fiefs universal, and completed the analogy between government and property. From this moment, the Royal power rapidly declined, and all political authority fell into the hands of a tumultuous body of feudal chieftains. The sufferings of the people, from the perpetual warfare between their chiefs, and still more from the Norman and Saracenic pirates, were probably greater than at any period since the first eruption of the barbarians. But, in the midst of these calamities, the seeds of improvement were sown. National feeling, generous ambition, useful enterprise, which had been almost lost in the immensity of a vast empire, were revived by the local attachments, the natural rivalship, the multiplied prizes of talent in a multitude of small principalities, bound together by language and religion more than by the theory of law or the name of a monarchy. Industry and population seem to have recovered, in spite of

anarchy; and the feudal system, which grew afterwards so enormous an evil, appears in the ninth century to have been a reformation of European society. By the establishment of a powerful intermediate class, it furnished the first restraint on monarchy, and afforded the means of combining it with liberty. The nobles, who first oppressed the people, became, in subsequent times, their only bulwark against the throne.

Of this great change, we should wish to have found a fuller account in the present work. Perhaps the author has reserved it for the opening of the Capetian period, where it may be placed with great advantage. The task, it may be observed, has been greatly facilitated by the two admirable chapters of Mr Hallam on the Feudal System; and the late excellent work of M. Meyer on the Judicial Institutions of the European States, * contains some valuable suggestions on the same subject.

Surrounded by the feudal aristocracy, the descendants of Charlemagne still enjoyed the regal title. The year of their nominal reign continued to afford a date to legal instruments in every part of France; but their dominions were really limited to the petty lordships of Laon and Soissons, till, on the death of Louis V. in 987, the name of King was assumed by Hugh, surnamed Capet, Duke of France, one of the most potent vassals of the Crown, whose family for a century had been conspicuous and powerful, and who claimed a descent from Arnolph, bishop of Metz, one of the ancestors of the Carlovingian race. The circumstances of this revolution are almost as little known to us as those of the elevation of the Carlovingians; and specious reasons are assigned for the want of historical materials at so critical a moment. But the true cause seems to be, that Frodoard, Canon of Rheims, the best guide through French history in the tenth century, died in the year 966, twenty-one years before the accession of Hugh Capet; and that he had no successor. The curious research of M. Sismondi has discovered some small circumstances of this revolution in the letters of *Gerbert*, which, though published in the great collection of French historians, and referred to by Velly, are turned to no account either by that writer or by Henault. This Gerbert was, in several respects, one of the most extraordinary persons of the middle age. He was originally educated in Catalonia, a part of the *Spanish March* of the Carlovingian empire, where literature was more cultivated than in his native country of France; both because it was undisturbed by the Norman spoil-

* Esprit, Origine et Progrès des Institutions Judiciaires des principaux pays de l'Europe. Par J. D. Meyer. *La Haye*, 1819.

ers, and because it enjoyed the advantage of free intercourse with the learned Mahometans in the southern provinces of the Peninsula. From these last he is supposed to have acquired his mathematical knowledge, attested by treatises on arithmetic and geometry, which are still extant. In his subsequent travels he formed a large library, and seems to have been the most celebrated book-collector of the tenth century. For some years before the deposition of the Carlovingians, he had been secretary of the Archbishop of Rheims, and appears to have composed the letters of most of the great persons of both sexes in the neighbouring provinces. In that period of revolutions he appears to have conducted himself with considerable address, and with no disregard of his worldly interest. His sagacity in early discovering the party likely to be successful, was attended by its usual consequences; and though he lost the Archbishopric of Rheims, the first reward of his zeal for the Capetian family, he was afterwards raised to the see of Ravenna, and at last to the dignity of Supreme Pontiff, under the title of Silvester II. He is probably the only person who was ever raised to the pontifical throne for being a great philosopher, 'PROPTER SUMMAM PHILOSOPHIAM;' the words of the Emperor Otho III. in recommending Gerbert to that dignity. But the most memorable circumstance of his life, is, that to him is ascribed * the introduction into Europe of the numerals called Arabian, but probably of Indian origin. If Gerbert really introduced this great improvement, it is certain that it must have been unintelligible to the majority of his contemporaries, and it is very probable that its use would be rejected by the indolence and prejudice of the few who were capable of comprehending it. We may be almost assured that it was undervalued by himself, in his eager pursuit of honour and power, and amidst the important revolutions in which he performed a considerable part. How different is the estimate of posterity! Few but inquirers into obscure history know the pontificate of Silvester II. The events of his time are daily receding further from the eye, and they are already hid from most observers by the accumulation of succeeding revolutions. Even the extinction of the royal family of Charlemagne, and the elevation of the Capetian dynasty, are already dwindled in-

* This honour is refused to Gerbert by the very learned author of the Treatise on Arithmetic in the Supplement to the Encyclopædia Britannica. Perhaps he may have overlooked the observations of Montucla, Hist. des Mathem. Part III. Liv. 1., which seems to us strongly to support the pretensions of Gerbert.

to objects of cold curiosity, which no longer interest the feelings of mankind. But the introduction of an improvement in science or useful art, is rewarded by a fame which is often increased by time. The political events of those ages which are not described by great writers, soon vanish from the minds of men. But he who bestowed on us the Arabic numerals, will be celebrated as long as the world endures by all those who enjoy the benefit of so admirable an invention. Even his disputed claim will be studied with unabated interest, in distant ages, on the banks of the Missouri, or in the islands of the Pacific, in the history of those noble sciences which alone exemplify the uninterrupted progress of the human understanding, when it is freed from degrading alliance with the low cares or fierce passions of man. The renown of deeds which affect only the fortune of a state is limited. The glory of inventions and discoveries, which aid the general progress of the whole human race, is alone secure from decay.

Art. XIII. *A Letter to a Member of Parliament, showing (in these days of infidelity and sedition) the serious and dangerous Defects of the British and Foreign School, and of Mr Brougham's Bill for the General Education of the Poor.* By Richard Lloyd, A. M., Rector of St Dunstan in the West. London, Rivington. 1821.

Our late discussions of the great question relating to the Education of the People have led us into those matters upon which the best friends of toleration and civil liberty differ in some points of inferior importance, and likely, we would fain hope, to be removed. The tract before us comes from a very different quarter; and the title-page is sufficient to show, that the Rector of St Dunstan is one who will be satisfied with a very scanty portion of instruction to the poor, and of toleration to the Non-conformists. It must not be supposed that, because there are very few men who would now stand forward as the advocates of illiberal opinions upon these subjects, therefore such opinions are extinguished. They are undoubtedly professed in private by far more than will venture publicly to proclaim them; and entertained in secret, and acted upon when opportunity affords, by far more than will profess them in any way. From time to time, however, a man inflated with High-church pride and zeal, or conceiving it may be for his advantage to counterfeit such inspirations, gives us a glimpse of what is at

all times more silently at work in the breasts of those who deem general ignorance the best security for their own influence.

Mr Lloyd's objection to Mr Brougham's Bill consists in this; that the plan of education prescribed by it is the plan of the British and Foreign School,—'which,' says he, 'is the basis of 'it, and of which it is a perfect reflection.' He considers the control given to the Church in that Bill as of no moment whatever; and regards the exclusion of every thing which could prevent Dissenters from sending their children to school, as a fatal objection to the measure. All religious creeds and catechisms are forbidden, he says, 'in direct opposition to the practice of 'the primitive Church, and of all enlightened nations.' Will he undertake to show us any enlightened nation where Nonconformists are tolerated, and where the doors of seminaries, supported by the Government out of the taxes, are shut against them? Or will he show us, in the times of the primitive Church, any other provision for instruction than the revenues of the clergy?

But the truth is, that Mr Brougham's Bill does provide for teaching both creeds and catechisms to those children whose parents chuse to have them so instructed. Let Mr Lloyd speak out at once, and tell us whether he does not object to this optional clause, because he hopes that a compulsory provision would draw in many children of Dissenters within the pale of the Church? Has he not a desire to see the thirst for knowledge, which distinguishes and adorns the poor of the present age, converted into an instrument of proselytizing? Does he not hope that many persons would be induced to risk the religious principles of their children, rather than let them grow up in total ignorance? But it seems the provisions for religious instruction, even of Churchmen's children, are far too scanty. Half a day in each week, and, if the parson desires it, a portion of Sunday also, is set apart for this purpose; and the children are obliged to attend the parish church, or the church to which their parents go. This really seems to us as considerable a portion of religious instruction as can be prescribed by law; and surely the attendance in Sunday schools, or other seminaries of a similar description, with the private tuition of parents, may supply what is wanting. But the Reverend author exclaims against such moderation.

'Ought intelligent and immortal creatures, in the morning of life, to be consigned to a public Plan of Education so essentially defective? In a political light, a *national* System of Education ought to be conducted upon the principles of the national Church. To act otherwise, the Legislature would be guilty, if not of a political suicide, of an *anomaly* which would tend, in its ultimate consequences,

to swell the tide of popular clamour and faction, whilst it argued a strange and reprehensible ignorance of the transcendent importance of Divine truth on the one hand, and of the fallen state and exigencies of man on the other. It would be to leave him, at a season when the mind is most tender and susceptible, destitute of that knowledge of Christ which is life eternal. To withhold *entirely*, or *nearly* so, upon a deliberate scheme of national education, a plain exposition and application of sound Christian principles, by which alone human nature, in its present lapsed state, can be radically reformed, cannot but be regarded, by the pious and reflecting Christian, as an insult to the sacred majesty of truth, and an awful dereliction of duty, highly detrimental to the welfare of the rising generation. This is not "to train up a child in the way he should go," to sow the seed of eternal life betimes; but to neglect the proper season of moral culture, and to cloud our best prospects of a good harvest.' pp. 10, 11.

What, then, would he have? the reader will naturally ask. 'Sound Christian principles should be *constantly* and *daily* instilled.' But the difficulty lies here; what Mr Lloyd calls sound and Christian, a number of others term heretical; and as neither party can abandon their opinions, the result will be, either that an injustice too monstrous to be contemplated must be done, namely, compelling those who conscientiously differ with Mr Lloyd to pay more than they already do for teaching his doctrines, or that things must remain in their present state; and then, instead of 'sound Christian principles being constantly and daily instilled,' they will not be instilled at all. For, let it be remembered, that he has not the choice of having it all his own way, or having it in the way pointed out by the Bill—but only in having it in this way, or not having it at all. He declaims, however, against this 'Pagan sort of education.' The following is an exquisite passage; and seems to indicate a wish that some compulsory provision should be made by Parliament for carrying all children to the Established Church.

'Upon the assumption, that the parents neither neglected to take their children to *some* place of worship, or that they frequented only *such* places where sound and orthodox principles were enforced, I still maintain, that such a degree of instruction is lamentably deficient; for unless the elements and rudiments of the truth be well laid in the minds of children, during the course of their scholastic education, they will be incapable of comprehending it in the more abstract and dignified form of sermons. It will elude, like a phantom, their weak apprehensions, for want of a more tangible form and definite shape. But what an augmentation of weight and influence does this objection acquire from the painful consideration that these children, in a vast majority of instances, will be taken to those pub-

lic conventicles where religion may be either obscured and defiled by the fumes of a wild fanaticism, or its sacred authority impugned, in a greater or less degree, by a frigid scepticism! Can, then, a *Christian* Legislature, under the dictates of religion, or of sound policy, countenance an institution which virtually implies that gloomy doubts still hang over the way to life eternal, notwithstanding the greater light of Revelation which has dispersed the palpable darkness of Paganism, and so expanded the twilight of the Jewish Dispensation, that the truth appears no longer veiled in types and figures, but shines with an effulgence which constitutes that heavenly day in which we have the privilege to live? Would not such a public sanction argue a most lamentable moral blindness in the midst of noon-day; a monstrous indifference in the service of God; a neutrality amounting to treason against the majesty of heaven?' pp. 12, 13.

Not much less exquisite is the following specimen.

'This is, indeed, (to use the words of the British and Foreign School Society) a "concise knowledge" of the Christian religion. It is no matter of surprise that its advocates talk largely, like the Theophilanthropists of the day, of love to God, of love to your neighbour, and obedience to parents, as the final result of this System; and have the effrontery to assert, in the same public report, that *this System grounds children better in all the principles of virtuous action than any other method; calming the fury of their passions, making them mild, submissive,* &c. &c. Is not this an impious attempt to wound the Christian religion and our Ecclesiastical Establishment, the grand depository and sacred guardian of its faith? Is it not to retrograde towards Paganism? To prefer natural to revealed religion?' pp. 17, 18.

The reader, after this, may not be surprised to find the plans of general education ascribed to the immediate agency of the Devil; nay, it is pretty clear that, according to Mr Lloyd's creed, either the British and Foreign School Society, or Mr Brougham, or possibly both in some mysterious union, are the Evil Spirit whose precise nature and office have hitherto so greatly puzzled theologians.

'And this reprehensible plan is proposed at a time when the Enemy is, with malignant craft and industry, compiling and circulating far and wide manuals of the most blasphemous and seditious nature for the use of those very children who are taught to read and to write by the public benevolence. If our Madras System of Education, which more than combines all the mechanical advantages of the Lancasterian, with the addition of wholesome and daily instruction in Christian faith and practice, as admirably set forth in our Church Catechism, and other appropriate expositions, &c. is even endangered by these infernal machinations of the Devil and *of his inspired agents;* how can we contemplate, without painful apprehension, those naked schemes of education, which offer no effectual barrier against

the infidel and demoralizing doctrines of the times? The Enemy of mankind, whose element is sin, and whose good is evil, is alive to this strange and lamentable defect, and neglects no opportunity to sow his tares in a soil so superficially cultivated, and so exposed to his incursions. He well knows that the best refutation of error, and the best fortification against its attacks, is a sound knowledge and belief of the truth. Under its pure and discriminating light, all those sceptical and political arguments which tend to kindle an insurgent spirit, and to inflame the passions against God and man, lose their attractions; they find no predisposition favourable to their reception in minds embued with Christian principles, and disciplined by its holy precepts. Hence the subtlety of our spiritual adversary is as great as his malice, in his attempt to undermine the Madras System of Education, by either a systematic exclusion of, or by a frigid indifference to, all its principles, except such as are *common* to discordant sects and parties; and what these are, it will be difficult to ascertain in this age of innovation, when our numerous controversies *about* religion seem to be bringing, at length, religion *itself* into doubt and controversy.' pp. 24, 25.

After this passage, we are quite sensible that nothing, even in the Tract before us, can have a high relish. Yet there are some other notable matters, political as well as religious. Mr Lloyd really is an advocate of Ignorance, by its proper name. It is true he seeks to qualify this *doctrine*, (if we may so term it), by saying that knowledge is good under proper restrictions; and he even declaims at some length against those who would fetter the human mind, or keep it in darkness. But he plainly avows, that he deems the 'instruction communicated by the 'British and Foreign School, and the slight addition to it pro-'vided by Mr Brougham's bill, does not amount to a Christian 'education;' and he adds, that if asked whether it is 'upon 'the just assumption of the fall of man, and the perilous cir-'cumstances of the country, preferable to *ignorance?*'—he 'does not scruple to answer in the *negative.*' (p. 28.) Wherewithal he breaks out into a rhapsody upon the dangers of knowledge. 'Knowledge is power.—It tends, by the authority and 'influence it confers, to equalize distinctions,' and so forth. Now we question whether, in any age, a more plain defence of ignorance was ever *openly* made.

We conclude with a specimen of Mr Lloyd's politics.

'No sooner had the late Bills, in contravention of seditious meetings, which menaced the revolution of the country, passed so triumphantly through both Houses of Parliament, and we began to experience that tranquillity which arises from a full confidence in the wisdom and vigour of the Legislature, and to anticipate, with grateful exultation, the *splendid period of the King's coronation*, a period il-

lustrated by a light reflected from a succession of brilliant victories, and from a glorious termination of a war, arduous and protracted beyond all former precedent, than the unfortunate arrival of the Queen rekindled that insurgent spirit which had nearly subsided, and she was made, at once, the unhappy medium through which every species of blasphemy and sedition have vented their rage against the constituted authorities of the realm. The constitutional head of the government has been, and is, insulted, reviled, caricatured. He is held forth, in our public prints and windows, under all the forms of ridicule and contempt that the most diabolical malice and ingenuity can devise. What will other nations think of English liberty, when they behold our King thus contumeliously treated by his own subjects?—a Monarch so beloved in the private circle of his family on account of his amiable and relative qualities; so admired as the ornament of his court, no less by foreigners than by his own subjects, owing to his refined manners and splendid accomplishments;—a Monarch, moreover, who has, by a patriotic endeavour to concentrate the best talents of the country in its defence, and by the signal triumphs of his Regency, exalted and aggrandized the throne of his ancestors; and whose illustrious reign will, doubtless, descend to posterity, and shine in the page of history, when the factious and clamorous invectives, and all the foul conspiracies of his enemies shall, with their names, have long sunk into perfect oblivion!' pp. 44–46.

That he is not quite an optimist, however, the following note may show—addressed, we presume from its opening, to the present Chancellor of the Exchequer.

'What a public evil is the Lottery, with the gambling it produces! What nurseries of idleness and vice, leading to distress of families, and to a vast increase of poor-rates, are the numberless public-houses throughout the kingdom! How injurious to the interests of religion and morality, are our Sunday newspapers, and public coaches, and various houses of ill fame!' &c. &c. pp. 51, 52.

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